FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SUNSET CROSSROADS PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

CITY OF BANNING, CALIFORNIA

SCH #2021020011

October 2024

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ATTACHMENT

A: STATEMENT OF OVERRIDING CONSIDERATIONS

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1.0 INTRODUCTION AND PURPOSE

The City of Banning (the City) makes the Findings described below in connection with its undertaking of the following actions: (1) certifying the Sunset Crossroads Project Environmental Impact Report (SCH #2021020011) (EIR) prepared by the City of Banning (City) (2) approving the Sunset Crossroads Specific Plan and additional discretionary approvals listed in Subsection 1.3.2 below in connection with development of an approximately 533.8-acre property (Development Site) located partly within the City of Banning (City) and in part in the City's sphere of influence (SOI) in unincorporated Riverside County (County) and (3) approving a General Plan Amendment, zone change, and rezoning of the Mt. San Jacinto College (MSJC) Site for the 49.2 acre property located in the City at the southeast corner of Sunset Avenue and Westward Avenue (MSJC Site). The Findings are based upon the entire record before the City, as described in Subsection 1.5 below, including the EIR. The term EIR as used in these Findings includes the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, and Final EIR, collectively.

These Findings constitute the decision-making findings of the City as required by the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the State CEQA Guidelines, Title 14, California Code of Regulations, Section 15000, et seq. "CEQA Guidelines" in connection with the certification of the EIR for the Project and the adoption of a Mitigation Monitoring and Reporting Plan ("MMRP") and a Statement of Overriding Considerations for the proposed Project. The City is the lead agency pursuant to CEQA with respect to the Project. These Findings are attached and incorporated by reference into each and every staff report, resolution, and ordinance associated with approval of the Project. These Findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the Findings. All numbered references identifying specific mitigation measures relative to the proposed Project refer to numbered mitigation measures found the EIR and the MMRP.

1.1 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The statute also provides that the procedures required by CEQA are "intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Finally, Section 21002 indicates that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

To implement these provisions, CEQA requires that public agencies shall not approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more

written Findings for each of the Project's significant effects, accompanied by a brief explanation of the rationale for each Finding[1]. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the Project and/or measures have been identified which avoid or substantially lessen the significant environmental effect to below identified thresholds (referred to in these Findings as "CEQA Finding 1").

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (referred to in these Findings as "Finding 2").

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR [referred to in these Findings as "Finding 3"].

The EIR includes all exhibits and appendices thereto, the list of persons, organizations and public agencies commenting on the EIR, the comments that were received by the City regarding the EIR, and the City's written responses to comments raised in the public review and comment process, all of which are incorporated herein and made a part hereof by reference. Pursuant to *State CEQA Guidelines* Section 15084, the EIR has been reviewed and analyzed by the City of Banning as the Lead Agency with respect to the Project and the EIR. The following findings for the Project and each fact in support of a finding are thus based upon substantial evidence in the record.

1.2 DOCUMENT FORMAT

These Findings have been categorized into the following sections:

- Section 1 of these Findings provides introductory information including Project description and location, discretionary actions to be undertaken in connection with the Project and the Project objectives; a summary of the environmental review and public participation process and the record of proceedings; and identification of the Final EIR contents, and this section regarding the organization and format of these Findings.
- Section 2 provides certain findings the City is required to make pursuant to CEQA.
- Section 3 identifies the Development Project's potential environmental effects determined not to be significant, and for which no mitigation is required.
- Section 4 identifies the potentially significant effects of the Development Project that are determined to be mitigated to a less-than-significant level and describes the mitigation measures implemented to achieve that result.
- Section 5 identifies the significant and unavoidable effects of the Development Project and describes the feasible mitigation measures implemented to lessen the impacts identified.

[1] *State CEQA Guidelines* § 15091.

- Section 6 contains the findings of the City regarding significant and irreversible environmental effects of the Project.
- Section 7 identifies the findings regarding growth inducing impacts of the Project.
- Section 8 contains the findings of the City with respect to the MSJC Entitlements.
- Section 9 contains the findings of the City with respect to Cumulative Impacts.
- Section 10 contains the findings of the City with respect to Alternatives of the Project.

The MMRP is incorporated by reference and made a part of these Findings.

A Statement of Overriding Considerations prepared pursuant to CEQA Guidelines Section 15093 is attached to these Findings as Attachment A.

1.3 PROJECT SUMMARY

1.3.1 Project Description/Location

Project Location

NP Banning Industrial, LLC (Project Applicant) proposes to develop an approximately 533.8-acre property (Development Site) located partly within the City and partly with in the City's SOI in the County. The northerly portion of the Development Site is approximately 280.1 acres (Northern Portion of the Development Site) and is located in the City, while the southerly portion of the Development Site (Southern Portion of the Development Site) is approximately 253.7 acres within the City's SOI. The Development Site is located immediately south of I-10 and the Union Pacific Railroad (UPRR), between Highland Home Road and Sunset Avenue and north of Bobcat Road. The Development Site is bisected by the existing Westward Avenue right of way (Existing ROW), the centerline of which divides the land within the City and the unincorporated County land. The Existing ROW and adjoining .8 acres of land owned by the City and used for water wells are not part of the Development Site or the Development Project.

The Development Site is crossed by various natural drainages. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site. Vegetation cover on the Development Site reflects a history of dry farming and cattle grazing disturbance over a majority of the site and consists primarily of non-native grasslands, with patches of Riversidean sage scrub, mixed ornamental woodland, and sandy wash. The sandy wash habitat is associated with two deeply incised drainage courses and a tributary that flow through the Development Site. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site and Smith Creek c flows in a north-south direction. Highland Wash is a smaller drainage course and tributary to Smith Creek that confluences with Smith Creek near Westward Avenue.

The Project also includes the 49.2-acre MSJC Site. Approximately 8.3 acres of the MSJC Site are currently developed with MSJC Campus features. The balance of the MSJC Site is undeveloped, with no existing structures, and vegetation that is a mosaic of Riversidean sage scrub, grassland, and water habitats. Pershing Creek crosses the MSJC Site from the west across Sunset Avenue, entering the southern portion of the MSJC Site.

Current campus facilities, comprising one administration building, two classroom buildings, and one ancillary building, and surface parking are located on three parcels collectively encompassing 8.3 acres. The MSJC Site is zoned Public Facilities (PF) with the School (S) suffix, as identified through Chapter 17.16 of the Banning Municipal Code (BMC).

Project Description

The Project analyzed in the EIR consists of the Development Project and MSJC Entitlements, both of which are described below. The Development Project is analyzed at a project level in the Draft EIR pursuant to CEQA Guidelines Section 15161 and consists of the proposed commercial and industrial development of the Development Site of up to 5,903,400 square feet of commercial and industrial uses within 19 Planning Areas. In addition to roads, the Development Project's master-planned on-site infrastructure improvements include potable water, wastewater, reclaimed water lines, and stormwater management, including water quality management/flood control systems, dry utilities, roadways and sidewalks, landscaping, and a park.

The Development Project is primarily defined by the Sunset Crossroads Specific Plan (Specific Plan). The Specific Plan establishes zoning regulations for commercial and industrial uses on the Development Site, including, but not limited to, allowed uses, intensity of use, building heights, setbacks, lot area and dimensions, parking, landscaping, signage, as well as to identify on-site circulation and infrastructure improvements necessary to support the Development Project. The Specific Plan establishes four General Plan Land Use Designations: General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R). Within the Development Site, 19 Planning Areas are geographic areas to which identified Implementation Regulations, Development Standards, and Design Guidelines described in the Specific Plan are applied. The Planning Areas would accommodate commercial, industrial, and open space uses.

Commercial (GC). The approximately 47.9-acre commercial district of the Development Site (Planning Area 1) is bordered on the east by Sunset Avenue and stretches along the northeast portion of the Development Site between Lincoln Street and the site boundary. A maximum of 268,400 square feet of commercial uses, which may include leisure, retail, medical office, professional office, education, wellness, recreation, entertainment, restaurant, and other retail uses, operating out of a number of buildings aligned along an internal road (yet to be named) that would be accessed from Sunset Avenue. This portion of the Development Project is designed as a regional commercial and entertainment attraction, providing multigenerational destinations such as activity and wellness-based retail uses including, but not limited to, stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms and a large indoor/outdoor climbing wall, yoga studios, dance studios, and other athletic activities. Sit-down restaurants (with patio areas), a food hall, and specialty retail uses that would orient inwards to central open space areas are proposed to allow for outdoor activities ancillary to the on-site leisure/recreation uses (i.e., walking paths, grass areas, outdoor displays, benches) or for use by on-site vendors/concessionaires and as connections between uses along with an internal system of pedestrian walkways. Table 3-1 of the Sunset Crossroads Specific Plan (Draft EIR, Appendix B) provides a detailed list of permitted, conditionally permitted, ancillary, and prohibited uses within the Specific Plan area, and the Specific Plan in Section 3.2 at page 3-5 provides that if the environmental impacts of proposed uses exceed those analyzed in the EIR, the City will conduct additional environmental review before approving any such use.

The proposed commercial uses include a freeway accessible 125-room (approximately 90,000-square-foot) hotel that would include a fitness room, hotel lobby, common area, office/management/ engineering area, laundry facilities, and outdoor or indoor pool. The commercial area further includes a fueling station and carwash with 20 vehicle fueling stations and 6 commercial fueling stations to accommodate recreational vehicles and multi-axle tractor trailers and electric vehicle charging stations. The fueling facility would be accessed from Sunset Avenue or Lincoln Street and as analyzed would include four 20,000-gallon underground storage tanks (USTs).

Industrial (I). The Specific Plan would provide for development of up to 5,450,000 square feet of industrial land uses on approximately 392.0 acres within the Development Site. Based on its proximity to the Sunset Avenue interchange at I-10, the Development Project would facilitate the development of warehousing, distribution, manufacturing, and other industrial uses. To accommodate future tenants, the Specific Plan allows the size of individual buildings to vary within an established range (increasing or decreasing by up to 20 percent); however, the overall square footage of buildings in the industrial Planning Areas is capped at 5.545 million square feet. The Development Project considered in the EIR comprises industrial buildings ranging in size from 44,000 square feet up to 1,420,000 square feet and accommodating uses such as general industrial, manufacturing, parcel hub, warehouse/storage, truck/trailer parking and storage, recreational vehicle (RV) storage, high cube warehouse, cold storage warehouse (up to 330,000 square feet proposed for Phase 2 [Buildings 5 and 6]), fulfillment center, and e-commerce operations. The industrial building sites within the Development Project may include outdoor employee break areas with tables affixed to the ground to provide employees with a location to eat, gather, and enjoy being outside. Shading of these areas may be achieved through a combination of shade trees, umbrellas, or fabricated shade structures. Other open space amenities within the industrial areas may include pedestrian walkways, seating areas, overhead structures, and open space areas. Development of the industrial Planning Areas shall be subject to the applicable Infrastructure Improvement Standards, Development Standards, and Planning Area Standards set forth in the Specific Plan.

A proposed 65 MWh BESS facility would be a permitted use in any of the industrial use planning areas. However, it would likely be associated with the planned electrical substation in PA 7. Direct access to the industrial Planning Areas would be provided from Sunset Avenue via Lincoln Street, Westward Avenue and a variety of internal driveways, and from Highland Home Road, the Sun Lakes Boulevard (SLB) Extension (upon completion), and Bobcat Road.

The MSJC Entitlements are analyzed at a programmatic level in the Draft EIR pursuant to CEQA Guidelines Section 15168 because no specific development project is currently proposed to implement the MSJC Entitlements described below, and because they are logical parts in a chain of contemplated actions. To comply with Government Code Section 66300 *et seq*., contemporaneously with its consideration of the Development Project, the City proposes to adopt a General Plan amendment and rezone the MSJC Site, owned by the Mt. San Jacinto Community College District (MSJCCD), to very high-density residential development, creating capacity for up to 1,181 housing units to ensure no net loss of residential capacity as required by Government Code Section 66300 *et seq*.

The City has initiated a General Plan Land Use Amendment (GPA) and a change to the Official Zoning Map (ZC), respectively, on the MSJC Site which will change the land use designation and zoning from

PF–S (Public Facilities-Schools) to VHDR (Very High Density Residential), with a density range of 18–24 dwelling units per acre (18–24 DU/AC). The City's VHDR land use district allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. To ensure that the college facilities and any future residential development are compatible, and to provide for the clustering allowed by the City's Municipal Code, the City will establish a Specific Plan Zoning Overlay (SPZO) ("Overlay") coterminous with the MSJC Site boundary. The Overlay would require preparation of a Specific Plan, pursuant to Chapter 17.96 of the BMC prior to development of residential uses on the MSJC Site, to ensure the MSJC Site is developed in a cohesive manner and accounting for the provision of adequate public infrastructure (i.e., roads, storm drain, sewer, potable and recycled water availability) and would provide the opportunity for clustering of residential development, to provide for a mixed-use school facility and residential development on the property. Because the MSJC Entitlements would not result in physical changes to the environment and would only allow for the future development of the MSJC Site, no physical environmental impacts would result from the MSJC Entitlements action.

The Development Project and the MSJC Entitlements are referred to collectively in the EIR as the Project, while the Development Site and MSJC Site are collectively referred to as the Project Sites.

1.3.2 Discretionary Actions

The following discretionary and administrative actions are required of the City to implement the Project. The EIR prepared for the Project covers all discretionary and administrative approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed. They include:

- **City of Banning Planning Commission**
    - Recommendation to the City Council regarding Certification of the Project EIR No. 2021020011
    - Recommendation to the City Council regarding Adoption of Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
    - Recommendation to the City Council regarding General Plan Amendment No. 20-2501
    - Recommendation to the City Council regarding the adoption by Ordinance of Zoning and Pre-Zoning of Specific Plan No. 20-20000002, Zoning Change 20-3502
    - Recommendation to the City Council regarding the adoption of a Development Agreement
    - Recommendation to the City Council regarding approval of Tentative Map No. 38118
    - Recommendation to the City Council regarding the Annexation of the Specific Plan into the City of Banning
    - Recommendation to the City Council regarding General Plan Amendment No. 22-2502 for MSJC Site
    - Recommendation to the City Council regarding the adoption by Ordinance of Zoning Change No. 22-3502 for MSJC Site

- **City of Banning City Council**
    - Water Supply Assessment Approval

- Certification of the Project EIR No. 2021020011
- Adoption of Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
- Adoption by Resolution of General Plan Amendment No. 20-2501
- Adoption by Ordinance of Zoning and Pre-Zoning; Specific Plan No. 20-20000002, Zoning Change 20-3502
- Approval by Ordinance of a Development Agreement
- Approval of Vesting Tentative Parcel Map No. 38118
- Approval of Resolution of Annexation of Southern Portion of the Development Site into the City of Banning
- Adoption by Resolution of General Plan Amendment No. 22-2502 for MSJC Site
- Adoption by Ordinance of Zoning Change No. 22-3502 for MSJC Site

Subsequent discretionary actions may include, but not be limited to: Final Maps, Conditional Use Permits, Design Reviews, Subdivision Maps, Grading Permits, Variances, water and sewer system approvals, and encroachment permits and adoption of a Determination of Biologically Equivalent or Superior Preservation (DBESP).

CEQA Guidelines Section 15124(d)(1) further requires the City, to the extent the information is known, to include a list of the agencies that are expected to use the EIR in their decision-making processes, a list of permits and other approvals required to implement the project, and a list of related environmental review/consultation requirements established by federal, State, or local law, regulation, and/or policy. Based on the Project as proposed, the following agencies may require the permits referenced below. However, the EIR can be used by any trustee agency or responsible agency (as such terms are defined by CEQA), whether identified in the EIR or not, as part of their decision-making processes in relation to the proposed Project.

- Riverside Local Agency Formation Commission (Responsible Agency). Annexation of the Southern Portion of the Development Site from unincorporated Riverside County into the City.
- Regional Water Quality Control Board (Clean Water Act, Section 401)
- California Department of Fish and Wildlife (Streambed Alteration Agreement, Section 1602)
- U.S. Fish and Wildlife Service (404 Permit)
- U.S. Army Corps of Engineers (Clean Water Act, Section 404)
- South Coast Air Quality Management District (Authority to Construct)
- Western Riverside County Regional Conservation Authority (action)
- Riverside County Flood Control and Water Conservation District (action)

1.3.3 Project Objectives

The following objectives of the Project are based on the City's Vision Statement and Goals from various General Plan elements:

- Establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents.

- Establish land uses for properties in the City's sphere of influence that will create positive fiscal impact to the City and provide sufficient fiscal benefit to permit annexation of the property upon which the project is proposed into the City.

- Promote job creating uses that reduce the need for City residents to commute outside of the City for employment, thereby improving the City's jobs to housing ratio.

- Locate industrial and commercial uses that rely on transportation efficiency in areas with convenient access to the local and regional transportation network, thereby minimizing truck traffic on local streets and reducing vehicle miles traveled in the region to the extent feasible.

- Address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities.

- Provide commercial development that allows for a diversified economy, complements existing uses, provides a range of employment opportunities, and promotes a safe and enjoyable shopping experience for residents and visitors.

- Use comprehensive planning tools to create a master-planned development that will be marketable to users, establish an aesthetically pleasing environment, and minimize impacts to adjoining uses.

- Increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.

- Assist in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.

- Assist the City in developing roadway and utility infrastructure to support the anticipated growth requirements of the City and to improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to serve the needs of local residents and businesses.

- Conserve natural drainage features and open space to provide a balance between the built and natural environment.

- Minimize the demand for water resources and other public services by creating drought tolerant landscaping and encouraging use of recycled water.

1.4 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

1.4.1 Notice of Preparation

The Notice of Preparation (NOP) was distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment. The State of California Clearinghouse issued a project number for the project: SCH No. 2021020011.

The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts addressed in Chapter 4.0 of the Draft EIR.

1.4.2 Public Scoping Meeting

Due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 at 5:30 p.m. via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting.

1.4.3 Native American Scoping

The Development Project includes a General Plan Amendment and implementation of a Specific Plan for the Development Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) is required. On November 30, 2020, the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Development Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project.

The City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC Site Entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC Entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

1.4.4 Draft Environmental Impact Report

A Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023, to January 30, 2024, and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023, to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR.

The Draft EIR, supporting technical appendices, and associated public notices were uploaded to the State Clearinghouse on December 14, 2023. The State Clearinghouse confirmed receipt and published the Draft EIR for a public review period extending from December 15, 2023, to January 30, 2024.

1.5 GENERAL CEQA FINDINGS

1.5.1 Mitigation Monitoring and Reporting Program

To the extent that these Findings conclude that the proposed mitigation measures outlined herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed project. The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed Project. In accordance with the Requirements of Public Resources Code § 21081.6, the City must adopt the Mitigation Monitoring and Reporting Program, which is described in full in Section IV of the Draft EIR and is incorporated herein by this reference. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

1.5.2 Recirculation Not Required

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. The purpose of a Final EIR is to document changes to the Draft EIR following receipt of comments and to respond to comments to the Draft EIR. Responses in the Final EIR to comments submitted to the City on the Draft EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Furthermore, the Responses to Comments include substantial evidence that none of the comments submitted to the City provided substantial evidence that the Development Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

Accordingly, modifications to the Draft EIR to include modeling and updated emissions totals requested by commenters that show a minimal increase, do not change significance determinations, merely clarify or amplify or make insignificant modifications in an adequate EIR under CEQA Guidelines Section 15088.5(b), and do not meet the criteria of "new information" warranting recirculation of the Draft EIR. In addition, the addition of project design features and modified or new

mitigation measures to the Final EIR to address comments to the Draft EIR expand the scope of mitigation in the Draft EIR and clarify, amplify, or make other modifications in an otherwise adequate EIR and these modifications do not result in adverse environmental impacts or identify mitigations measures the applicant declines to adopt; therefore, the modifications do not constitute new information requiring recirculation. See CEQA Guidelines §15088.5(b). Similarly, inclusion of inadvertently omitted files from technical report appendices where that information is summarized in the Draft EIR and/or attached technical reports is not new information under CEQA Guidelines Section 15088.5(a). See, e.g., *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102 (addition of maps to general plan EIR provided clarifying information and did not require recirculation); *Beverly Hills Unified Sch. Dist. V. Los Angeles Metro. Transp. Auth.* (2015) 241 Cal.App.4th 627, 663 (new fault and tunneling studies confirmed conclusion in Draft EIR); *Mt. Shasta Bioregional Ecology Ctr. V. County of Siskiyou* (2012) 210 Cal.App.4th 184, 221 (addition to Final EIR of reports that had been summarized in Draft EIR was not significant new information)

City staff, the Planning Commission, and the City Council have thoroughly reviewed the public comments received regarding the Project and the Draft EIR to determine whether any of the public comments or responses to comments provide substantial evidence that would require recirculation of the EIR prior to its adoption. The City finds that recirculation of the Draft EIR is not required.

1.5.3 Consideration of Record; Independent Judgment

In approving the Project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Planning Division of the Community Development Department Department or other City representatives. As such, the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

1.6 RECORD OF PROCEEDINGS

The Record of Proceedings for the Project consists of those items listed in CEQA Section 21167.6(e), along with other items contained within the City's files that are relevant to the consideration of the Project. The Record of Proceedings for the City's decision on the Project consists of the following documents, at a minimum and without limitation, which are herein incorporated by reference and made part of the record supporting these Findings:

- The Notice of Preparation, Notice of Completion and Availability, and all other public notices issued by the City in conjunction with the Project;
- The EIR comprised of
    - The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;

  - The Final EIR, including all written comments submitted by agencies, organizations, and/or members of the public during the public review comment period on the Notice of Preparation and the Draft EIR and the City's responses to those comments and corrections and additions to the Draft EIR and modifications and supplements to the technical appendices attached thereto.

  - The Mitigation Monitoring and Reporting Program for the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All documents submitted to the City by public agencies, organizations or members of the public in connection with the Draft EIR, up through the close of the public review period for the project on January 30, 2024;

- All minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

- All documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;

- All information (including written evidence and testimony) presented to the City staff, City Planning Commission, and/or City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the City Council;

- All information (including written evidence and testimony) presented to the City from other public agencies relating to the proposed Project and the EIR;

- All final applications, letters, testimony and presentations presented by the Project Applicant and its consultants to the City in connection with the Project;

- All findings and resolutions adopted by the City regarding the Project, all documents, cited or referred to therein and all staff reports, analyses, and summaries related to the adoption of those resolutions;

- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;

- Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required by or comprising the record of proceedings pursuant to CEQA Section 21167.6(e).

1.7 CUSTODIAN AND LOCATION OF RECORDS

The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Banning, Community Development Department, 99 East Ramsey Street Banning, California 92220. The custodian for these records is Emery Papp. This information is provided in compliance with Public Resources Code Section 21081.6.

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2.0 ENVIRONMENTAL IMPACTS AND FINDINGS

The EIR was prepared by LSA, an independent, professional consulting firm. The professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by City staff, the thorough and independent peer review by City staff of the Draft EIR and Final EIR, including comments and responses, and the review and careful consideration of the EIR by the City, including comments and responses, all conclusively show that the EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency.

Based on the NOP (Appendix A-1 to the Draft EIR) and the comments to the NOP (Appendix A-2 to the Draft EIR), the EIR analyzed 20 potential areas where significant environmental impacts could result from implementation of the Project. These environmental topics were analyzed in the EIR at a project level for the Development Project pursuant to CEQA Guidelines Section 15161, and at a programmatic level for the MSJC Entitlements pursuant to CEQA Guidelines Section 15168 and include aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Having received, reviewed, and considered the information in the EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA, Public Resources Code Sections 21081, 21081.5, and 21081.6. These findings are based upon written and oral evidence included in the record of these proceedings, comments on the EIR and the written responses thereto, the Final EIR, and reports presented to the Planning Commission and the City Council by City staff and the City's environmental consultants.

At a public hearing(s) conducted for the Project, the City determined that, based on all of the evidence presented, including, but not limited to, the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations, and regulatory agencies, the following environmental impacts associated with the Project are 1) less-than-significant and do not require mitigation; 2) potentially significant but will be avoided or reduced to a level of insignificance, through the identified mitigation measures or; 3) significant and unavoidable and cannot be fully mitigated to a level of less-than-significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

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3.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS HAVING NO IMPACT OR LESS THAN SIGNIFICANT IMPACT AND NOT REQUIRING MITIGATION

The City hereby finds that the following potential environmental impacts associated with the implementation of the Project have no impact or are less-than-significant and therefore do not require the imposition of mitigation measures.

3.1 AESTHETICS

Project impacts for CEQA Aesthetics would not result in significant impacts and findings are discussed below. The Development Project will comply with Project Design Features and Development Standards set forth in Chapter 3 and the Design Guidelines set forth in Chapter 4 of the Specific Plan. Compliance with the Specific Plan's requirements would serve to reduce and/or avoid impacts relating to Aesthetics.

3.1.1 Threshold 4.1.1

Impact Statement: The Development Project would not have a substantial adverse effect on a scenic vista.

Findings

Potential impacts of the Development Project related to Threshold 4.1-1 are discussed in detail in Section 4.1.5.1 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.1-1; therefore, no mitigation is required.

Substantial Evidence

The City has not designated any portion of the Development Site as a scenic resource. Accordingly, the Development Project will not physically alter a designated scenic resource.

With respect to the ability of the Development Project to block a scenic vista, the Development Site and the City of Banning are located in a valley situated approximately 41 miles south of the San Bernardino Mountains and approximately 25 miles northwest of Mount San Jacinto Peak. Both mountain ranges, along with their foothills rising from the valley floor constitute the most prominent scenic vistas in the vicinity of the Development Site and City of Banning. The Little San Bernardino Mountains are also visible to the east of the Development Site and City. San Gorgonio Mountain in the San Bernardino Mountains, the highest peak in southern California (11,503 feet), is approximately 13 miles north of the Development Site and is visible from nearly the entire Development Site. San Jacinto Peak in the San Jacinto Mountains (10,834 feet) is approximately 15 miles southeast of the Development Site. The western foothills of the San Jacinto mountains begin approximately 1.5 miles south of the southern portion of the Development Site (SOI).

Although the Development Project would obstruct some views of the San Jacinto Mountain Range, the San Bernardino Mountain Range, and the western foothills of both of these mountain ranges from

some public vantage points, the City has not designated these topographical features as scenic vistas and as such, no significant impact would occur to scenic resources.

The Development Project would also include the placement of a maximum 80-foot tall, 30-foot-wide, freeway-oriented freestanding sign, on the north side of the Development Site. The freeway-oriented freestanding sign has the potential to partially block motorist's views of the San Jacinto Mountains and its western foothills, and of the San Bernardino foothills; however, the design, location and size of the sign would make this a minimal temporary obstruction as motorists drive past the Development Site on westbound and eastbound I-10. Overall, implementation of the freeway-oriented freestanding sign as part of the Development Project would not adversely affect views of scenic vistas, and impacts would be less than significant. (EIR, Section 4.1.5.1).

3.1.2 Threshold 4.1.2

Impact Statement: The Development Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Findings

Potential impacts of the Project related to Threshold 4.1-2 are discussed in detail in Section 4.1.5.2 of the EIR. This City finds that the impact of the Project will have no impact related to Threshold 4.1-2; therefore, no mitigation is required.

Substantial Evidence

The Caltrans Scenic Highway Program identifies SR-243 (approximately 2 miles east of the Development Project) between I-10 and State Route 74 as both an Eligible and Officially Designated State Scenic Highway. Due to intervening topography, distance, existing buildings, and vegetation (i.e., trees), neither the proposed Development Project nor areas on the Development Site for the future development of an electrical substation (PA 7) or reverse osmosis facility (PA 12) are visible from SR-243. The areas where the Development Project and these facilities would be located are not within, adjacent, or near a State-designated scenic highway.

There are no City or County designated Scenic Corridors that cross or are near or adjacent to the Development Site and no scenic resources such as trees, rock outcroppings or historic buildings on or in the vicinity of the Development Site. As such, implementation of the Development Project and any future development within the Development Site would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway, and no impact would occur. (EIR, Section 4.1.5.2).

3.1.3 Threshold 4.1.3

Impact Statement: The Development Project would not, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

Findings

Potential impacts of the Project related to Threshold 4.1-3 are discussed in detail in Section 4.1.5.3 of the EIR. According to the U.S. Census Bureau, the City of Banning is located within the Riverside-San Bernardino, CA Urbanized Area. As such, the threshold applicable to the Project is to determine if the Project is in conflict with the General Plan and zoning regulations governing scenic quality. The City finds that the impact of the Project will be less than significant as related to Threshold 4.1-3; therefore, no mitigation is required.

Substantial Evidence

Because of annexation, the entirety of the project area will be located within the City, and therefore will also be entirely classified to be located within an urbanized area. Existing land use designations on the Development Site under the City General Plan include residential, open space and general commercial. Existing zoning classifications on the Development Site within the City include residential, open space and general commercial, although zoning designations would be replaced by the proposed Specific Plan. The Southern Portion of the Development Site lies within the County General Plan and is designated as rural residential. However, this area is within the City's sphere of influence, and would be annexed into the City with implementation of the Specific Plan. Implementation of the Development Project would require a General Plan Amendment, adoption of the Specific Plan and annexation of the Southern Portion of the Development Site into the City to implement the Specific Plan that would change existing land use and zoning to general commercial, industrial, open space-parks, and open space-resource.

The visual character and quality of the Development Site and surrounding area would be preserved and enhanced through the application of and compliance with the architectural and landscape design guidelines of the Development Project and its Specific Plan. The architectural and landscape design guidelines guide the quality and aesthetic value of future commercial and industrial buildings as a result of implementation of the Development Project.

Although the Project would convert undeveloped land to industrial and commercial development while maintaining open space, it would not substantially degrade the existing visual character or quality of public views of the Development Site and its surroundings because the Project's proposed structures, would not block views of the nearby mountains and foothills due to their distance from the Development Site and the height and orientation of the Project's proposed structures, which would not block views to the San Gorgonio Mountains, San Bernardino Mountains, and San Jacinto Mountains. The Development Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The City's General Plan goals and policies pertaining to aesthetics are intended to ensure that development in the City will not result in substantial degradation to the existing visual character or quality of the Development Site and its surroundings. The Development Project would be consistent with City regulations governing scenic quality, including those outlined in the City of Banning General Plan Land Use Element, in and the City's Municipal Code. Therefore, Project impacts would be less than significant. (EIR, Section 4.1.5.3).

3.1.4 Threshold 4.1.4

Impact Statement: The Development Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings

Potential impacts of the Project related to Threshold 4.1-4 are discussed in detail in Section 4.1.5.4 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.1-4; therefore, no mitigation is required.

Substantial Evidence

Constructing and operating the Development Project would introduce new sources of light to an area that is not generating glare or day or nighttime illumination. Most construction activities on the Development Site will occur during the hours of 7:00 a.m. to 6:00 p.m. per City Zoning Code guidelines. Any construction-related illumination during evening and nighttime hours would consist of the minimum lighting required for safety and security purposes only and would occur only for the duration required for the temporary construction process. As a result, light resulting from construction activities would not substantially impact sensitive uses, substantially alter the character of off-site areas surrounding the Site nor interfere with the performance of an off-site activity.

The Specific Plan as revised in Section 3.1 at page 3-4, and Section 4.4.10 at page 4-15 requires as project design features, specific development standards and guidelines that ensure there will be no significant impact from light or glare from the Development Project, including on nearby properties. The standards and guidelines regarding lighting in the Specific Plan serve as City zoning requirements for the Development Project and ensure that impacts from lighting and glare are less than significant.

The Specific Plan's Outdoor Lighting Guidelines (refer to Section 4.3.9 of Appendix B, Specific Plan) indicate that the Development Site would minimize glare and "spill over" light onto public streets, open space, Interstate-10 and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other means of illumination for structures, parking, loading, unloading, and similar areas. Low-level security lighting may be provided for the park, tot lot playground, trails, parking lot, and restrooms. The trails and parking lot may include bollard lighting while the tot lot playground and restrooms may include security lighting. With implementation of the Specific Plan, night lighting will be directed away from the conserved areas to protect species located within from direct night lighting and shielding will be required to ensure that ambient lighting in the conserved areas is not increased. (See Draft EIR Section 4.4, Biological Resources).

Overall, implementation of the Development Project would not create a new source of substantial light and glare that would adversely affect day or nighttime views in the area. Therefore, Project impacts associated with construction and operation of the Development Project would be less than significant. (EIR Section 4.1.5.4).

3.2 AGRICULTURE AND FORESTRY RESOURCES

Project impacts for CEQA Agricultural and Forestry Resources do not result in significant impacts and findings are discussed below.

3.2.1 Threshold 4.2.1

Impact Statement: The Development Project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Findings

Potential impacts of the Project related to Threshold 4.2-1 are discussed in detail in Section 4.2.6.1 of the EIR. The Development Site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. The City finds that the development of the Project will result in no impacts related to Threshold 4.2-1; therefore, no mitigation is required.

Substantial Evidence

The DOC FMMP was reviewed to determine if the Development Site is designated as Important Farmland which is defined in Public Resources Code Sections 21095 and 21060.1(a) for purposes of CEQA as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The FMMP indicates the Development Site is designated with 451.9 acres of Farmland of Local Importance, 76.83 acres of Grazing Land, and 3.97 acres of Other Land. Development Project implementation would convert the Farmland of Local Importance and Grazing Land to urbanized land. No Prime Farmland, Farmland of Statewide Importance, or Unique Farmland are classified on the Development Site; therefore, Development Project implementation would not convert Important Farmland to non-agricultural uses. (EIR Section 4.2.6.1). Therefore, there are no Project impacts.

3.2.2 Threshold 4.2.2

Impact Statement: The Development Project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

Findings

Potential impacts of the Project related to Threshold 4.2.2 are discussed in detail in Section 4.2.6.2 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.2.2; therefore, no mitigation is required.

Substantial Evidence

The Northern Portion of the Development Site is not within an agricultural zone. The Southern Portion of the Development Site, although designated for light agricultural uses under the County's zoning, is already designated as urbanized through its placement within the City of Banning Sphere of Influence and is proposed for annexation. Its current City prezoning and the proposed Specific Plan are for urban

uses. Once the Development Project is approved and annexation occurs, the Southern Portion of the Development Site would be redesignated as Specific Plan and would, therefore, no longer be zoned as Light Agriculture pursuant to the Riverside County Zoning Ordinance. It should be noted that the Southern Portion of the Development Site, although currently zoned as Light Agriculture, has never been occupied by agricultural uses. Overall, Development Project implementation would not conflict with existing zoning for agricultural use.

Review of the parcels within the Development Site concluded that none were under a Williamson Act Contract. Additionally, the status of past Williamson Act Contracts placed on parcels within the Development Site was confirmed with Riverside County Planning Staff, and these contracts have been terminated; therefore, implementation of the Development Project would not result in conflict with any Williamson Act Contract. (EIR Section 4.2.6.2). Therefore, Project impacts would be less than significant.

3.2.3 Threshold 4.2.3

Impact Statement: The Development Project would not conflict with existing zoning for, or cause rezoning of: forest land (as defined in Public Resources Code section 12220(g)); timberland (as defined by Public Resources Code section 4526); or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Findings

Potential impacts of the Project related to Threshold 4.2-3 are discussed in detail in Section 4.2.6.3 of the EIR. The Development Project will not impact forest lands or timberlands. The City finds that the development of the Project will result in no impacts related to Threshold 4.2-3; therefore, no mitigation is required.

Substantial Evidence

There is no forest land on the Development Site, and it is not zoned for forest land, timberland, or timberland zoned Timberland Production under either the County or City zoning designations. As such, Development Project implementation and the construction of public facilities would not conflict with such forest zoning designations, and there is no impact. (EIR Section 4.2.6.3).

3.2.4 Threshold 4.2.4

Impact Statement: The Development Project would not result in the loss of forest land or conversion of forest land to non-forest use.

Findings

Potential impacts of the Project related to Threshold 4.2.4 are discussed in detail in Section 4.2.6.4 of the EIR. The Development Site is does not qualify as forest land. Accordingly, Development Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use, and the Project will not impact forest lands or timberlands. The City finds that the development of the Project will result in no impacts related to Threshold 4.2.4; therefore, no mitigation is required.

Substantial Evidence

The Development Site is currently occupied by native grasslands and some native trees. The number of trees currently located on the Development Site does not equate to 10 percent of the site and, therefore, it does not qualify as forest land pursuant to the *California's Forests and Rangelands, 2017 Assessment,* and California Public Resources Code Section 12220(g). As such, Development Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. (EIR Section 4.2.6.4).

3.2.5 Threshold 4.2.5

Impact Statement: The Development Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Findings

Potential impacts of the Project related to Threshold 4.2-5 are discussed in detail in Section 4.2.6.5 of the EIR. The Development Site does not contain Farmland as defined under CEQA or forest land as defined by applicable statutes. Therefore, the Development Project will not convert Farmland to non-agricultural use or convert forest land to non-forest use. The City finds that the impact of the Project will be less than significant related to Threshold 4.2.5; therefore, no mitigation is required.

Substantial Evidence

As disclosed above in the response to Threshold 4.2.1, the Development Site does not contain Prime Farmland, Unique Farmland or Farmland of Statewide Importance and has not been used for agriculture since the early 1900s. The Development Project would not result in the conversion of Farmland to non-agricultural use.

Accordingly, while the Development Project will convert land designated as Farmland of Local Importance to a non-agricultural use, the Development Site has not supported agricultural uses, apart from occasional livestock grazing, since the early 1900s. Although the Southern Portion of the Development Site is zoned A-1, Light Agriculture, there is currently no agricultural activity on the Southern Portion of the Development Site or on any adjacent or nearby property except for occasional cattle grazing. This temporary agricultural use contributes minimally to the regional agricultural economy, and the implementation of the Development Project would not directly or indirectly catalyze the conversion of additional farmland to urban land uses. As noted above no active Williamson Act Contracts are in effect on the Development Sites; therefore, no impacts to Williamson Act Contract parcels would occur. Furthermore, as an action associated with the Development Project, the Southern Portion of the Development Site will be annexed into the City and will be redesignated as Specific Plan pursuant to the City's Zoning Code. There are no forest or timberland resources on, or in the vicinity of, the Development Site. Therefore, Development Project implementation would not contribute or catalyze the conversion of forest land to non-forest use.

Overall, the Development Project would not result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use at off-site locations. (EIR Section 4.2.6.5).

3.3 AIR QUALITY

Project impacts for CEQA Air Quality Thresholds 4.3.3 and 4.3.4 do not result in significant impacts and findings are discussed below

3.3.1 Threshold 4.3.3

Impact Statement: The Development Project would not expose sensitive receptors to substantial pollutant concentrations.

Findings

Potential impacts to Threshold 4.3.3 are discussed in detail in Section 4.3.6.3 of the EIR including text revisions in the Final EIR. The project would be required to comply with SCAQMD regulations regarding exposing sensitive receptors to substantial pollutant concentrations. The City finds that Development Project will result in less than significant impacts related to Threshold 4.3.3; therefore, no mitigation is required.

Substantial Evidence

Construction Localized Significance Threshold (LST). Sensitive receptors near the Project site include Mount San Jacinto College campus, across Sunset Avenue and approximately 115 feet from the Project site. Although the campus is not the closest receptor, concentrations produced during construction are highest at this location due to meteorological conditions of the area. Construction criteria pollutant concentrations during construction of the Development Project would not exceed the localized thresholds and would not result in a locally significant air quality impact.

Operation LST. None of the criteria pollutant concentrations would exceed the LST thresholds at the nearest sensitive land uses; therefore, the proposed operational activity would not result in a localized significant air quality impact.

Operational Health Risk Assessment. Exposure to toxic air contaminants from vehicle exhaust can result in both immediate and long-term health effects. Exposure to diesel exhaust can lead to serious health conditions such as asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly. As shown in Table 4.3.Q, which was revised in the Final EIR, the future health risk to nearby residents, students, and workers from Project-related emissions of Toxic Air Contaminats (TACs) from the operation of the proposed Project would be below the SCAQMD's Health Risk Assessment (HRA) thresholds. The results of the Revised Table 4.3.Q show the changes to the chronic and acute health risk levels based on the remodeled HRA. These results indicate that the additional emissions and project updates would not result in any new significant health risk impacts from those previously described in the Draft EIR. No significant health risk would occur from the operation of the Project, and no mitigation is necessary.

Long-Term Microscale (CO Hot Spot) Analysis. Existing carbon monoxide (CO) concentrations in the Project area are extremely low. Because ambient CO levels are below the standards throughout the South Coast Air Basin, this Project would only be considered to have a significant CO impact if Project emissions result in an exceedance of one or more of the 1-hour or 8-hour standards. As the ambient concentrations are very low compared to ambient air quality standards (AAQS) with the current motor

vehicle control programs, the exhaust emissions of CO will remain extremely low. Therefore, the Project can be implemented in the existing setting with no significant peak-hour intersection CO hotspot impacts.

Construction of the proposed Project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following South Coast Air Quality Management District (SCAQMD) rules for standard construction practices (see Draft EIR, Tables 4.3.O and 4.3.P). Regulatory compliance measures AQ-1, AQ-2, AQ-3, and AQ-4 are existing SCAQMD regulations that are applicable to the proposed Project and were considered in the analysis of potential impacts related to air quality. These requirements are considered to be mandatory regulatory compliance measures and are not mitigation measures. (EIR Section 4.3.6.3)

3.3.2 Threshold 4.3.4

Impact Statement: The Development Project would not create objectionable odors affecting a substantial number of people.

Findings

Potential impacts to Threshold 4.3.4 are discussed in detail in Section 4.3.6.4 of the EIR. The project would be required to comply with SCAQMD rules regulating odors. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.3.4; therefore, no mitigation is required.

Substantial Evidence

Heavy-duty equipment in the Project vicinity during construction would emit detectable odors. Other sources of odors from construction activities may include roadway construction (e.g., asphalt application), and the application of architectural coatings. While these odors may be noticeable by nearby sensitive receptors, they are typical during construction and would not necessarily be objectionable. These odors would dissipate quickly beyond 300 feet of their source and would be temporary in nature. Additionally, construction-produced odors would cease upon the completion of construction.

Objectionable odors typically may emanate from agricultural operations, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. While no such uses are planned for the Development Site, the Project does envision the development of commercial and industrial uses, including a variety of restaurants and a fueling station.

Compliance with SCAQMD Rule 402 regarding nuisances assures that odors from the proposed commercial and industrial uses would not be a significant source of odors. Rule 402 has two parts – whether air contaminants are emitted which cause injury, nuisance, or annoyance, or whether the odors endanger health/safety, or comfort, or cause injury/damage to business or property. The proposed uses are not anticipated to emit any odors that would result in either condition. City (of

Banning) and County (of Riverside) regulations require trash storage areas to be in an enclosed area to limit air circulation, and through adherence to City and County regulations, odors from the trash storage areas would be less than significant. Vapor recovery systems on gas nozzles (SCAQMD Rule 461) would minimize odors from the gas station, and cooking odors would be limited by complying with SCAQMD Rule 1138. Therefore, the Project would not result in objectionable odors that would affect a substantial number of people. As such, Project-related impacts associated with odors would be less than significant, and no mitigation measures are required. (EIR Section 4.3.6.4).

3.4 BIOLOGICAL RESOURCES

Project impacts for CEQA Biological Resources Thresholds 4.4.3 and 4.4.4 do not result in significant impacts and findings are discussed below.

3.4.1 Threshold 4.4.3

Impact Statement: The Development Project would not have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Findings

Potential impacts of the Development Project related to Threshold 4.4.3 are discussed in detail in Section 4.4.6.3 of the EIR. The City finds that the Development Project would have a less than significant impact, and implementation of mitigation measures MM BIO-1 through MM BIO-6, which are feasible and adopted, would ensure compliance with BMPs and MSHCP guidelines.

Substantial Evidence

No wetland habitat occurs within the Development Site or within the Biological Study Area (BSA). Multiple seasonal pooling sites, which are not federally protected wetlands, occur within the Development Site, and many of these seasonal pooling sites would be permanently affected by Development Project construction. While pooling sites provide potential habitat for fairy shrimp, during fairy shrimp surveys conducted on site and within the BSA no State or federally listed fairy shrimp species were observed. None of the on-site seasonal pooling features that are habitat for fairy shrimp were determined to be a vernal pool ecosystem. These features were barren or overrun by non-native plant species and occurred within compacted soil in road ruts and other human alterations.

Despite the determination of no significant impact noted, mitigation measures MM BIO-1 through MM BIO-6 were identified as applicable to this threshold to ensure compliance with BMPs and MSHCP guidelines to protect the three noted drainage features during construction and Project-related impacts would be less than significant. (EIR Section 4.4.6.3).

3.4.2 Threshold 4.4.4

Impact Statement: The Development Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings

Potential impacts of the Development Project related to Threshold 4.4.4 are discussed in detail in Section 4.4.6.4 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.4.3, and, no mitigation is required.

Substantial Evidence

The Development Site is not within an area identified by the MSHCP as an important migratory or native resident wildlife corridor area. The MSHCP Consistency Analysis determined that the Development Site and adjacent vegetation is unsuitable habitat for State and federally listed riparian bird species such as the least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo. While habitat exists for migratory bird species to nest on site, active nests for these species, including grasshopper sparrow, are unlikely to occur on site because they migrate through this area but do not nest on site or within the BSA. Although burrowing owl occur on site and are a State listed special-status species, no substantial resident population has been observed on site and there is no evidence of the site being used as a migration corridor for this species. The planned conservation areas on the Development Site would conserve potential nesting habitat on site for this and other bird species, meeting the guidelines of the MSHCP.

Because the impacts would be less than significant, no mitigation is required. However, any active bird nest identified on site is protected under the federal Migratory Bird Treaty Act (MBTA), regardless of species status, and regulatory compliance with its provisions is required. If an active nest is identified during construction, the nest would not be disturbed until chicks fledge or the nest is no longer active. Construction and operation of the Development Project would not significantly impact wildlife movement or known nursery sites within or in the vicinity of the Development Site. (EIR Section 4.4.6.4).

3.5 CULTURAL RESOURCES

Project impacts for CEQA Cultural Resources Threshold 4.5.3 does not result in significant impacts and findings are discussed below.

3.5.1 Threshold 4.5.3

Impact Statement: The Development Project would not disturb any human remains, including those interred outside of dedicated cemeteries.

Findings

Potential impacts of the Development Project related to Threshold 4.5.3 are discussed in detail in Section 4.5.6.2 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.5.3, and, no mitigation is required.

Substantial Evidence

There are no known human remains at the Development Site, although the potential to unearth such remains during construction cannot be ruled out. In the event that human remains are identified during Development Project construction, these remains would be treated in accordance with Section

7050.5 of the California Health and Safety Code and PRC Section 5097.98, as well as appropriate measures identified in the EIR related to the inadvertent discovery of such remains. (EIR Section 4.5.6.2).

3.6 ENERGY

Project impacts for CEQA Energy do not result in significant impacts and findings are discussed below.

3.6.1 Threshold 4.6.1

Impact Statement: The Development Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.6.1, and no mitigation is required.

Findings

Potential impacts of the Development Project related to Threshold 4.6.1 are discussed in detail in Section 4.6.6.1 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.6.1, and no mitigation is required.

Substantial Evidence

Construction would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, energy usage on the Development Site during construction would be temporary.

Through the duration of construction, approximately 443,644 gallons of diesel fuel and approximately 3,652 gallons of gasoline during construction. Diesel and gasoline consumption (2023) in Riverside County totals approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel. Fuel consumption during construction of the Development Project would increase diesel and gasoline consumption in Riverside County by approximately 0.03 and less than 0.01 percent, respectively. At buildout, the Development Project would generate 20,496 average daily trips, including 17,166 passenger vehicle trips and 3,330 truck trips., which would consume approximately 1.423 million gallons of gasoline and 6.67 million gallons of diesel fuel annually. (See Final EIR, section 4.6.6.1, REVISED Table 4.6.D).

At buildout with the implementation of the stated mitigation and PDFs, the Development Project would require 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity and 5,999,799 kBTUs (or 59,997 therms) of natural gas per year. Total electricity consumption in the Banning EU service area in 2022 was 151.5 GWh. The Development Project's electric demand represent approximately 16.9 percent of existing electricity consumption within the Banning Electric Utility (BEU) service area and 0.14 percent of current electrical demand in Riverside County. The BEU has included the energy usage by this Development Project as well as two other large commercial developments in its future planning. Total natural gas consumption in Riverside County in 2022 was 431.1 million therms.

Therefore, operation of the proposed Project would negligibly increase the annual natural gas consumption in Riverside County by 0.01 percent.

While implementation of the Development Project would increase the demand for electricity and natural gas at the Development Site and petroleum consumption in the region during operation, it entails conventional commercial and industrial uses utilizing up to date energy efficient/energy conserving designs and operational programs. The Development Project does not propose uses that are inherently energy intensive, and the energy demands in total would be comparable to other similar commercial and industrial uses.

The Development Project will increase energy usage; however, it will be used efficiently and therefore would not result in a significant impact. The Development Project would be required to adhere to, and would be consistent with, all federal, State, and local requirements for energy efficiency. CALGreen building energy efficiency standards establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting, which would reduce energy usage. As such, fuel, electrical and natural gas demand associated with Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 15.04 of the City Municipal Code, implementing Riverside County 2019 Climate Action Plan (CAP) points, and complying with the Warehouse Actions and Investments to Reduce Emissions(WAIRE) program would ensure operation of the Development Project would demand only the energy required. The Development Project will increase electricity use; however, it will be used efficiently and therefore would not result in a significant impact. Construction and operation of the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant.

As shown in the REVISED Table 4.6.C of the Final EIR, fuel use associated with the vehicle trips generated by the proposed Project is estimated at 1,423,796 gallons of gasoline and 6,376,570 gallons of diesel fuel per year. This analysis conservatively assumes that all vehicle trips generated as a result of Project operation would be new to Riverside County. Based on fuel consumption rates obtained from EMFAC2021, approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel were consumed from vehicle trips in Riverside County in 2023. Therefore, vehicle and truck trips associated with the proposed Project would increase the annual fuel use in Riverside County by approximately 0.155 percent for gasoline fuel usage and by approximately 1.9 percent for diesel fuel usage. Fuel consumption associated with vehicle trips generated by Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 15.04 of the City Municipal Code, implementing Riverside County 2019 CAP points, and complying with the WAIRE program would ensure operation of the Development Project would demand only the energy required. The Development Project will

increase electricity use; however, it will be used efficiently and therefore would not result in a significant impact.

No mitigation is required; however, Regulatory Compliance Measure ENG-1, described below, is a regulatory requirement implemented as a routine action conditioned by the City to ensure impacts related to energy demand during construction remain less than significant. Through compliance with Title 13-Section 2449 of the CCR and the CALGreen Building Standards Code as a matter of regulatory policy (Regulatory Compliance Measure ENG-1), construction of the Development Project would demand only the energy required and would not result in wasteful, inefficient, or unnecessary energy consumption. (EIR Section 4.6.6.1).

RCM ENG-1: **Construction.** Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Development Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Development Project. Best Available Control Measures include, but are not limited to, requirements that the Development Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee.

Mitigation Measure MM AIR-1 is included in the Final EIR as follows:

MM AIR-1 The following multi-part mitigation measure shall be implemented during Project construction:

- Plans submitted for grading permit issuance and building permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be fueled or charged. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Banning Electric Utility (BEU). If BEU does not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet (as specified in this Mitigation Measure below), the establishment of a temporary electric charging area also will not be required. If the contractor(s) equipment fleet includes this equipment and BEU approval is secured, the temporary charging location shall be established upon issuance of grading permits and building permits.

- If electric or non-diesel off-road trucks and construction support equipment, including but not limited to hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors are available in the construction contractor's equipment fleet and can fulfill the construction requirements during the building, construction, paving, and architectural coating phases of Project construction, such equipment shall be used during on-site construction. This requirement shall be noted on plans submitted for building permit issuance.

- If electric or non-diesel off-road truck and construction support equipment are not available then the Project contractor shall ensure all 50 horsepower or more off-road diesel-powered construction equipment is powered with California Air Resources Board (CARB) certified Tier 4 Final engines or the equivalent.

- Construction contractors shall maintain records of all off-road diesel construction equipment associated with on-site construction to document that each off-road diesel construction equipment used meets required emission standards. Records shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City staff or their designee.

- During construction activities, the City shall conduct periodic inspections to verify compliance with construction-related mitigation measures pursuant to the Mitigation Monitoring and Reporting Program.

- During construction of the proposed Development Project, the Project contractor shall only use interior paints with low volatile organic compound (VOC) content with a maximum concentration of 30 grams per liter (g/L) for residential building architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a low VOC content with a maximum concentration of 30 g/L verified.

- The City of Banning shall verify these requirements have been incorporated into construction plans prior to issuance of any construction permits and during architectural coating activities.

Operations. Compliance with the federal Corporate Average Fuel Economy and Energy Independence and Security Act regulations: All vehicles operating in the Development Project will comply with these regulations as enforced by standard vehicle registration processes. Compliance with the Energy Policy Act, Senate Bill 1389, Energy: Planning and Forecasting, Title 24, California Building Code, and the California Green Building Standards Code: The City of Banning shall verify that the Development Project Applicant and all contractor(s) submit plans to the City indicating incorporation of energy-efficient measures in compliance with these acts.

3.6.2 Threshold 4.6.2

Impact Statement: The Development Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Findings

Potential impacts of the Development Project related to Threshold 4.6.2 are discussed in detail in Section 4.6.6.2 of the EIR. There is no aspect of the Development Project that would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.6.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project would be required to adhere to, and would be consistent with, all federal, State, and local requirements for energy efficiency, including the Title 24 standards, SCAG RTP/SCS goal of reduce commuting distance to jobs, thus helping reduce fuel use, and City General Plan policies General Plan policies that help reduce energy consumption. Title 24 building energy efficiency standards establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting, as well as CALGreen Code which would reduce energy usage. As such, fuel, electrical and natural gas demand associated with Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. (EIR Section 4.6.6.2).

3.7 GEOLOGY AND SOILS

Project impacts for CEQA Geology and Soils would not result in significant impacts and findings are discussed below.

3.7.1 Threshold 4.7.1(i)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of the known fault. (Refer to Division of Mines and Geology Special Publication 42).

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(i) are discussed in detail in Section 4.7.6.1 of the EIR. There are no known faults that underlie the Development Site. The City finds that the development of the Development Project will result in no impacts to Threshold 4.7.1(i); therefore, no mitigation is required.

Substantial Evidence

No Alquist-Priolo earthquake fault zones are mapped on or adjacent to the Development Site and the Development Site does not show evidence of active faulting. Therefore, the Development Project

would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known Alquist-Priolo earthquake fault or based on other substantial evidence of a known fault. (EIR Section 4.7.6.1).

3.7.2 Threshold 4.7.1 (ii)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(ii) are discussed in detail in Section 4.7.6.2 of the EIR. The Development Site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Development Project. This risk is not considered substantially different than that of other similar properties in the Southern California area. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.7.1(ii); therefore, no mitigation is required.

Substantial Evidence

While active faults are not known to exist on the Development Site, the Banning Fault located approximately 2.75 miles to the northeast along with the nearby San Andreas and San Jacinto fault zones can produce strong ground shaking in case of a fault rupture in this area. However, this is common for virtually all of Southern California, and structures are required to be designed in accordance with the CBC and other applicable Codes (per BMC Chapter 15.08) to withstand the ground shaking during the assumed design seismic event.

Development Project uses would be required to have a site-specific geotechnical investigation report prepared by the Applicant's geotechnical consultant, in accordance with Appendix J Section J104 (Engineered Grading Requirements) of the CBC (see Regulatory Compliance Measure [RCM] GEO-1 below); such investigation would determine seismic design parameters for the Development Project building types pursuant to CBC requirements. Compliance with the design parameters and recommendations of the geotechnical investigation report would be required as a condition of a grading permit and/or building permit. Thus, impacts resulting from strong ground shaking are anticipated to be less than significant. (EIR Section 4.7.6.2).

No mitigation measures are required; however, RCM GEO-1 identified below would be applicable and implemented by the Development Project.

RCM GEO-1 **Construction Code Compliance.** All structures shall be designed in accordance with the seismic parameters presented in the Geologic and Geotechnical Review prepared for this Development Project and applicable sections of the most current California Building Code (CBC) and other applicable Codes (per Chapter 15.08 of the Banning Municipal Code). Prior to the issuance of building permits for planned structures, the Soils Engineer and the City of Banning Chief Building Official, or designee, shall review

building plans to verify that the structural design conforms to the requirements of the Geologic and Geotechnical Review and the applicable provisions of the aforementioned codes.

3.7.3 Threshold 4.7.1 (iii)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(iii) are discussed in detail in Section 4.7.6.3 of the EIR. The Development Site is considered to have a low risk of liquefaction due to the relatively dense nature of the underlying soils and deep groundwater. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.1(iii); therefore, no mitigation is required.

Substantial Evidence

The Development Site is considered to have a low risk of liquefaction due to the relatively dense nature of the underlying soils (Older Alluvium Fan deposit) and deep groundwater; groundwater is expected to be approximately 100 feet or more below ground surface (bgs). Seismic densification, however, is possible on granular (greater than 50 percent sand) fills, or native unconsolidated earth materials. The dynamic dry settlement is not considered a geologic hazard and expected to be less than 2 inches. Due to the proposed remedial grading and relatively homogenous subsurface soils between adjacent columns, the seismic differential settlement is expected to be less than 0.5 inch in a 40-foot horizontal distance within the Development Site. No groundwater was encountered during the Geotechnical Assessment within the borings that were drilled to a depth of 50 feet. Development Project uses that would be constructed are required to comply with the CBC and other applicable Codes (per BMC Chapter 15.08) as well as the recommendations in the geological and geotechnical assessment prepared for the Development Project. Therefore, implementation of the Development Project would not place people or structures at risk due to liquefaction, and impacts would be less than significant. (EIR Section 4.7.6.3).

3.7.4 Threshold 4.7.1 (iv)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(iv) are discussed in detail in Section 4.7.6.4 of the EIR. The Development Site is not located in an area susceptible to landslides. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.7.1(iv); therefore, no mitigation is required.

Substantial Evidence

The Development Site and vicinity are relatively flat, and the Development Site is not located within a zone of earthquake-induced landslide as mapped by the State, City, or County. Soils along and adjacent to some drainage courses have been eroded by water, with concentrated runoff creating incised erosion along the banks of Pershing Creek. However, these areas are restricted to the immediate creek areas which are proposed to be conserved and will not be developed.

As established by RCM GEO-1, construction contractors would be required to adhere to recommendations of the geologic and geotechnical review, the CBC, and other applicable Codes (per BMC Chapter 15.08) for temporary slopes and for shoring or shielding for temporary excavations over 5 feet deep, as required by the City of Banning. Therefore, implementation of the Development Project would result in less than significant impacts related to landslide hazards. (EIR Section 4.7.6.4).

3.7.5 Threshold 4.7.2

Impact Statement: The Development Project would not result in substantial soil erosion or the loss of topsoil.

Findings

Potential impacts of the Development Project related to Threshold 4.7.2 are discussed in Section 4.7.6.5 of the EIR. The Development Project would be required to implement Plans, Policies, or Programs (PPP) to manage soil erosion. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.2; therefore, no mitigation is required.

Substantial Evidence

Construction of the Development Project would involve excavation, grading, and construction activities that disturb soil and leave exposed soil on the ground surface. Cut and fill slopes created during Development Site construction would be provided with appropriate drainage features and landscaped with drought-tolerant, slope stabilizing vegetation as soon as possible after grading to reduce the potential for erosion. Berms would be provided at the top of fill slopes, and brow ditches would be constructed at the top of all cut slopes. V-ditches cut on the Development Site would be founded in dense fill or cut, but not in topsoil colluvium, and lot drainage would be directed such that runoff on slope faces is minimized. Inadvertent oversteepening of cut and fill slopes would be avoided during final grading and building construction. If seepage is encountered in slopes, special drainage features would be recommended by the geotechnical consultant to minimize soil erosion effects.

The conceptual grading design identifies approximately 2,266,112 cubic yards (CY) of cut and approximately 2,118,698 CY of fill. Cut exceeds fill due to settlement, shrinkage and/or compaction of fill material required in connection with the Development Project. No import or exporting of earthwork is expected, but earthwork may be transferred between the two grading phases. (Draft EIR Chapter 3.5.3.8). Maximum daily disturbance would be approximately 10,000 CY and would have an average daily disturbance ranging from 7,500 to 9,500 CY. All grading would be subject to local and State codes and requirements for erosion control and grading during construction. As required by RCM GEO-2, all recommendations presented in the Final Geotechnical Assessment for the

Development Project shall be implemented to the satisfaction of the City's Building and Safety Director or designee to ensure reduced effects to geology and soils on the Development Site during Development Project construction and operation.

Additionally, the Construction General Permit (CGP) issued by the State Water Resources Control Board (SWRCB) regulates construction activities to minimize water pollution, including sediment. The Development Project uses constructed would be subject to National Pollutant Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for each phase of the Development Project. The construction contractor would be required to prepare and implement an SWPPP and associated best management practices (BMPs) in compliance with the CGP during grading and construction as outlined in RCMs WQ-1, WQ-2, and WQ-3, detailed below. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from future Development Site-related grading and construction activities. Additionally, the future Development Site-related grading activities would be required to adhere to the provisions of the City's grading ordinances, requirements of the Geotechnical Study prepared for the Development Site, and CBC. Therefore, impacts from soil erosion or loss of topsoil would be less than significant. (EIR Section 4.7.6.5)

The following Regulatory Compliance Measures are existing regulations that are applicable to the Development Project and are considered in the analysis of potential impacts related to hydrology and water quality and are also applicable to potential impacts related to soils and geology. The City of Banning considers these requirements to be mandatory; therefore, they are not mitigation measures.

RCM GEO-2 Prior to the issuance of grading and/or building permits, the Applicant shall provide evidence to the City for review and approval that proposed structures, features, facilities, and earthworks to be constructed on the Development Site have been designed to conform to applicable provisions of the California Building Code and other applicable Codes (per BMC Chapter 15.08) in effect at the time of development application as well as the design recommendations detailed in the final geologic and geotechnical review.

Additionally, the Applicant shall provide evidence to the City that the recommendations cited in a project-specific final geologic and geotechnical review are incorporated into project plans and/or implemented as deemed appropriate by the City. The final geologic and geotechnical review recommendations may include, but are not limited to, removal of existing vegetation, utilities, and any other surface and subsurface improvements that would not remain in place for use with the structures constructed on the Development Site. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the final geologic and geotechnical review to provide a sufficient layer of engineered fill or densified soil beneath structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the Final Geotechnical Assessment to protect against lateral spreading and on-site landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of

ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building flood slabs based on the imposed slab loading. The recommendations of the Final Geotechnical Assessment shall be implemented to the satisfaction of the City's Building and Safety Director or designee.

RCM WQ-1 **Construction General Permit.** Prior to commencement of construction activities, the Applicant shall obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit),* NPDES No. CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Storm Water Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the Development Project from the SMARTS and provided to the Director of the City of Banning's Public Works Department, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. Development Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of an SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the Development Project. The SWPPP shall identify the sources of pollutants that may affect the quality of storm water and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in storm water runoff. Upon completion of construction activities and stabilization of the Development Site, a Notice of Termination shall be submitted via SMARTS.

RCM WQ-2 In compliance with City of Banning Ordinance No. 1388 Grading, Erosion, and Sediment Control, the Development Project Applicant shall submit a grading plan and erosion control plan to the Director of the City of Banning's Public Works Department, or designee, for review and approval prior to issuance of a grading permit for each individual development that would occur within the Specific Plan area. The Applicant shall also submit erosion and sediment control plans, annually, to the Director of the City of Banning's Public Works Department, or designee, for review and approval.

RCM WQ-3 Prior to issuance of a grading permit, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the Director of the City of Banning Public Works Department or designee for review and approval. The Final WQMP shall specify: 1) the BMPs to be incorporated into the Development Project design to target pollutants

of concern in runoff from the Development Site and from each proposed land use; 2) the target pollutant(s) to be captured from each building/land use and treated by each BMP; 3) the metric for ensuring the BMP is addressing the target pollutant(s) of concern; 4) the necessary operation and maintenance activity for each BMP; and 5) the specific action to be taken if it is determined that the BMP is not meeting its intended goal(s). The Final WQMP shall also incorporate the results of the Final Hydrology and Hydraulic Analyses to demonstrate that the detention facilities meet the hydromodification requirements of the Whitewater River Watershed MS4 Permit. The Director of the City of Banning's Public Works Department, or designee, shall ensure that the BMPs specified in the Final WQMP are incorporated into the final Development Project design.

3.7.6 Threshold 4.7.3

Impact Statement: The Development Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

Findings

Potential impacts of the Development Project related to Threshold 4.7.3 are discussed in detail in Section 4.7.6.6 of the EIR. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.3; therefore, no mitigation is required.

Substantial Evidence

Because the Development Site is located in a relatively flat area, landslides or other forms of natural slope instability do not represent a significant hazard on or adjacent to the Development Site or the Development Project. In addition, the Development Site is not within a State-designated hazard zone for an earthquake-induced landslide. Therefore, potential impacts related to landslides would be less than significant.

Given the relatively dense nature of the underlying soils and lack of groundwater, the Development Site possesses a very low potential for liquefaction. As indicated with respect to Threshold 4.7.1(iii), above, liquefaction potential at the site is considered low. The on-site potential for liquefaction, and therefore, lateral spreading, is very low. Thus, impacts from lateral spreading and liquefaction would be less than significant.

Subsidence is typically associated with oil, gas, or groundwater extraction. According to the Riverside County General Plan and as previously noted, the Development Site is located in an area that is susceptible to regional land subsidence. However, the City of Banning General Plan indicates that subsidence has not been observed within the City. There are no oil or gas fields within or near the Development Site. Consequently, regional land subsidence due to the extraction of oil or gas is not a hazard to the Development Project. Groundwater on the site is monitored by the City of Banning' Public Works Department via four on-site wells. The City-monitored wells (M7, M10, M11, and M12) recorded water depths of 375 to 475 feet bgs in September 2003. Any existing water wells should be removed or abandoned prior to grading, in accordance with the Riverside County Department of

Health Services guidelines. With these wells removed or abandoned, subsidence from wells at the Development Project would not occur.

To address and avoid the potential for land subsidence, soils would be removed down to competent dense materials. Recommendations for soil removal would be planned in more detail by a certified geotechnical engineer or engineering geologist when grading plans for individual phases of the Development Project are prepared. Subsequent detailed geotechnical investigation will be required, and the Development Project will be required to comply with a site-specific geotechnical investigation report prepared by a geotechnical consultant, in accordance with Appendix J Section J104 (Engineered Grading Requirements) of the CBC. Implementation of recommendations required by RCM GEO-1 and compliance with existing regulations would ensure that a less than significant impact from collapsible soils would occur. (EIR Section 4.7.6.6).

3.7.7 Threshold 4.7.4

Impact Statement: The Development Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property.

Findings

Potential impacts of the Development Project related to Threshold 4.7.4 are discussed in detail in Section 4.7.6.7 of the EIR. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.4; therefore, no mitigation is required.

Substantial Evidence

Expansive soils are soils that experience volumetric changes in response to increases or decreases in moisture content. Older alluvial fan deposits were encountered throughout the property and underlie the young alluvium at depth. As encountered in the exploratory excavations, these materials generally consist of medium dense to very dense, silty to clayey sands and poorly to well-graded sand with interbedded layers of sandy clay. Based on laboratory test results and review of the referenced reports, the predominate earth materials underlying the subject site are expected to possess a very low to low expansive soil (EI<51). Locally, higher expansive soils may be encountered in deeper excavations in the Older Alluvium. In the event that, following the completion of grading, it is determined that near-surface soils within building pad areas exhibit an elevated expansion potential, the potential impact of those expansive soils would be addressed through design of structural foundations and floor slabs in compliance with applicable requirements in the CBC, as adopted by the City of Banning in its Municipal Code (RCM GEO-1 and RCM GEO-2). Since the potential for expansive soils is low and any potential expansion would be addressed through compliance with applicable State and local Code requirements, the Development Project would not create substantial potential risks to life or property, and there would be a less than significant impact. (EIR Section 4.7.6.7).

3.7.8 Threshold 4.7.5

Impact Statement: The Development Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Findings

Potential impacts of the Development Project related to Threshold 4.7.5 are discussed in detail in Section 4.7.6.8 of the EIR. The City finds that the development of the Development Project will result in no impacts to Threshold 4.7.5 because the Development Project will not include the use of septic tanks or alternative wastewater disposal systems; therefore, no mitigation is required.

Substantial Evidence

The Development Project uses would not include the use of septic tanks or alternative wastewater disposal systems. The Development Project uses would be required to connect to City sanitary sewer and wastewater facilities. Therefore, the Development Project would have no impact with respect to septic tanks or alternative wastewater disposal systems. (EIR Section 4.7.6.8)

3.8 HAZARDS AND HAZARDOUS MATERIALS

Project impacts for CEQA Hazards and Hazardous Materials do not result in significant impacts and findings are discussed below.

3.8.1 Threshold 4.9.1

Impact Statement: The Development Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings

Potential impacts of the Development Project related to Threshold 4.9.1 are discussed in Section 4.9.6.1 of the EIR. During Project construction and operation, mandatory compliance with federal, State, county and City regulations would ensure that the Development Project would not create a significant hazard to the environment due to routine transport, use, or disposal of hazardous materials. The Development Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.1; therefore, no mitigation is required.

Substantial Evidence

Development of the Development Project has the potential to transport, use, or dispose of hazardous materials during construction and operational activities. Construction of the Development Project would temporarily increase the regional transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used at construction sites, and the construction activities would be required to comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials and hazardous construction waste.

Commercial and industrial uses operated on the Development Site may include the use and disposal of hazardous waste along with limited use of pesticide and herbicides for landscape maintenance. Engines of vehicles and trucks accessing the uses on the Development Site would contain oil and

gasoline which could have the potential to result in minor releases of such substances through drips or leaks on site. However, development of the Development Project is not anticipated to generate or use major hazardous materials and would not create unusually high quantities of hazardous waste. If a future use includes a business that handles or uses significant quantities of hazardous materials, the City is required, in accordance with its General Plan, to process such use by the issuance of a City approved Conditional Use Permit (CUP). The CUP would ensure the business is conditioned to comply with all federal, State, and local regulations related to hazardous materials. If the future business does not comply with the CUP, the CUP can be revoked through a public hearing process.

Some of the proposed activities that could produce hazardous waste would include 20 vehicle fueling stations and six (6) commercial fueling stations with total capacity for four 20,000-gallon underground storage tanks, restaurants that would utilize refrigerated storage facilities, and commercial and industrial uses that may utilize TRUs that would transport perishable material to and from the Development Site during operation. The commercial and industrial operations may also utilize large-scale refrigeration on site for perishable materials.

The Riverside County Department of Environmental Health (DEH) would review the uses operating on the Development Site for hazardous material use, safe handling, and storage of materials. Prior to the issuance of grading permits, the DEH would apply conditions of approval to the Development Site to reduce hazardous material impacts and ensure that any hazardous waste generated at the Development Site would be safely stored and transported to an appropriate disposal facility by a licensed hauler in accordance with State and federal law. Therefore, due to the type and nature of the uses that would operate on the Development Site, and compliance with the conditions of approval identified below, their implementation would result in less than significant impacts related to the routine transport, use, or disposal of hazardous materials; no mitigation is required.

Additionally, the battery energy storage system (BESS), if proposed for development, would be required to comply with regulatory compliance measures. No off-site electricity transmission is anticipated from the BESS. The Conditions of Approval (COA) for the BESS would require that prior to the issuance of the first BESS-related building permit, the Applicant shall develop a reclamation plan, which shall be approved by the City's Community Development Department to be implemented upon the removal of the BESS facilities (the "approved Reclamation Plan"). Additional details are described in Section 4.9.6.1 of the EIR.

While the potential impact would be less than significant, the Regulatory Compliance Measures are existing mandatory regulations that are applicable to development of the Development Site and are considered in the analysis of potential impacts related to hazards and hazardous materials. They are described in detail in Section 4.9.6.1 of the EIR. The City of Banning considers these requirements to be mandatory; therefore, they are not mitigation measures. (EIR Section 4.9.6.1)

3.8.2 Threshold 4.9.2

Impact Statement: The Development Project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.9.2 are discussed in detail in Section 4.9.6.2 of the EIR. The Development Project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment with compliance with mandatory regulatory requirements. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.2; therefore, no mitigation is required.

Substantial Evidence

A petroleum pipeline is located along the north side of the Sun Lakes Boulevard alignment, marked by signs, flags, and spray paint. A gas pipeline crosses the Northern Portion of the Development Site, marked by signs and exposed where the pipeline crosses the drainages. An above ground storage tank (AST) was observed at the southwest corner of the intersection of Sunset and Westward Avenue. The tank was empty, no markings were visible, and holes were cut in the sides, allowing visual inspection of the interior. There was no staining or evidence of past releases observed in the surrounding soils. There were no underground tanks, unusual or noxious odors, stained soil or pavement, stressed vegetation, leach fields or septic tanks, sumps or floor drains, pits or ponds of liquid, or evidence of fill sites or dumping identified during the site reconnaissance. Overhead and underground utility lines are present along the Development Site perimeter boundaries. Compliance with Government Code Section 4216, which specifies standard pre-construction practices requiring appropriate care to define the location, alignment, depth, and operational status of pipelines, above- and below-ground utilities, and other features would ensure the integrity of existing facilities during construction and operation. The existing Union Pacific Railroad located north of the Development Site. While pipeline or rail operations may involve the transport of hazardous materials, it is speculative to anticipate if or to what extent hazardous materials may be released should a rail accident occur in the vicinity of the Development Project.

Implementation of the Development Project would involve use of hazardous materials and could result in accidental releases of hazardous material, as discussed in Section 4.9 of the Draft EIR. The Development Project envisions the operation of a travel center that will dispense fuel products. These activities pose a potentially significant hazard. Transport of these materials, refilling USTs, spilling fuel while refueling vehicles, and a variety of potential accidents could result in the accidental release of these materials into the environment. The California Health and Safety Code, Section 25280, requires USTs installed after 1988 to have leak detection systems consisting of at least one of the following features: secondary containment with interstitial monitoring, automatic tank gauging systems, vapor monitoring (including tracer compound analysis), groundwater monitoring, statistical inventory reconciliation, or similar feature meeting performance standards.

Commercial and warehouse uses built and operating on the Development Site may include the usage of hazardous materials. Commercial land uses utilizing hazardous materials would be required to prepare and submit a Hazardous Materials Business Plan (HMBP) to the DEH, as described in RCM HAZ-1. An HMBP includes an inventory of hazardous materials used and stored on site, a site map, an emergency plan, and a training program for employees. With implementation of the conditions of approval and regulatory compliance measures specified in Section 4.9.6.1, compliance with all applicable regulations specified in Section 4.9.4, and adherence to BMPs, potential impacts from the

transport, use, storage, and disposal of hazardous materials in operations of the Development Project would not cause significant hazards to the public or the environment through accidental releases of hazardous materials. (EIR Section 4.9.6.2).

3.8.3 Threshold 4.9.3

Impact Statement: The Development Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings

Potential impacts of the Development Project related to Threshold 4.9.3 are discussed in detail in Section 4.9.6.3 of the EIR. The City finds that the Development Project would not emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.3 with application of mandatory regulatory requirements; therefore, no mitigation is required.

Substantial Evidence

The Mt. San Jacinto Community College (MSJCC) San Gorgonio Pass Campus is located adjacent to the western edge of the Development Site, and Hemmering Elementary School is located approximately 0.9 mile northwest of the Development Site.

Emissions (including toxic air contaminants) will be generated from vehicles driven by employees, customers, and transport trucks delivering goods and materials to and from the Development Site. The potential impacts of emissions on sensitive receptors has been detailed in the Air Quality impact analysis (Section 4.3.6.3 of the Draft and Final EIR).

Any use utilizing hazardous materials within the Development Site would be required to comply with RCM HAZ-1 and submit an HMBP to the DEH and the Riverside County Fire Department. In addition, the Development Project would comply with RCM WQ-1, which provides preventative measures for accidental spills during construction. Construction and operation of uses on the Development Site within 0.25 mile of the MSJCC campus would not pose substantial hazards to persons on those campuses with implementation of the RCMs. The Hemmering Elementary School is .9 miles north of the campus and does not fall within the threshold, but, as with the MSJCC campus, also would not be subject to significant impacts from emission of hazardous emissions, or handling of hazardous or acutely hazardous materials, substances or waste. (EIR Section 4.9.6.3).

3.8.4 Threshold 4.9.4

Impact Statement: The Development Project would not be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5, and as a result, would not create a significant hazard to the public or the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.9.4 are discussed in detail in Section 4.9.6.4 of the EIR. The City finds that the Development Site is not located on an identified hazardous material site and the development would not create a significant hazard to the public or environment; therefore, impacts would be less than significant and no mitigation is required.

Substantial Evidence

The government records database search, completed as part of the site-specific Phase I Environmental Site Assessment (ESA), determined that the Development Site is not included on any of the queried databases of hazardous materials sites that could create a significant hazard to the public or the environment. The Phase I ESA included an analysis of surrounding properties within a 1.0-mile radius of the Development Site. The Phase I ESA identified several listings for off-site adjacent or nearby properties on databases potentially indicative of a contamination concern. However, the Phase I ESA concluded that none of the environmental records are considered "recognized environmental conditions" for the Development Site. (EIR Section 4.9.6.4).

3.8.5 Threshold 4.9.5

Impact Statement: The Development Site is not within two miles of an airport and the Development Site is not identified as within an airport influence area.

Findings

Potential impacts of the Development Project related to Threshold 4.9.5 is discussed in detail in Section 4.9.6.5 of the EIR. The Riverside County Airport Land Use Commission (ALUC) has stated the Development Project is located outside the Airport Influence Area (AIA) established for Banning Municipal Airport. The Development Site is not located within an airport land use plan, is not located within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area. The City finds that development of the Development Project will result in no impacts related to Threshold 4.9.5; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located approximately 3.3 miles west of the Banning Municipal Airport. According to the Riverside County Airport Land Use Compatibility Plan (ALUCP), the Development Project is not within the noise contours or compatibility zones for the Banning Municipal Airport. The ALUC has stated the Development Project is located outside the AIA established for Banning Municipal Airport. Due to its location outside the AIA established for Banning Municipal Airport, the Development Project would have no impact on an airport land use plan or result in a safety hazard for people residing or working in the Development Project area. (EIR Section 4.9.6.5).

3.8.6 Threshold 4.9.6

Impact Statement: The Development Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings

Potential impacts of the Development Project related to Threshold 4.9.6 are discussed in Section 4.9.6.6 of the EIR. The City finds that the Development Project would not interfere with or inhibit implementation of the City's Emergency Operation Plan or Emergency Operations Center. The City finds that development of the Development Project will result in a less than significant impact related to Threshold 4.9.6; therefore, no mitigation is required.

Substantial Evidence

According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. The Fire Hazard Severity Zone that is closest to the Development Site is undeveloped land approximately 0.5 mile southwest of the Development Site at the southern border of the Sun Lakes community. The land uses that are directly adjacent to the Development Site include residential uses to the west, east, and south, commercial and institutional uses to the east, the I-10 corridor to the north, and agricultural uses to the south, which are also designated as a non-VHFHSZ. Sunset Avenue is considered an important point of access to I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center. This is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response activities. Implementation of the Development Project would not alter any facility or propose a physical change that would inhibit the City's Emergency Operations Plan. In addition, development of the Development Project would include widening of roadways adjacent to the Development Site and funding of additional roadway improvements, which could aid in evacuation. Site preparation, grading, and construction would not block roadways providing access to surrounding properties or surrounding neighborhoods. Therefore, implementation of the Development Project would not interfere with the adopted emergency response plan and/or the emergency evacuation plan; therefore, impacts would be less than significant. (EIR Section 4.9.6.6).

3.8.7 Threshold 4.9.7

Impact Statement: The Development Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, or injury or death involving wildland fires.

Findings

Potential impacts of the Development Project related to Threshold 4.9.7 are discussed in detail in Section 4.9.6.7 of the EIR. With adherence to regulatory standards and requirements, the Development Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.7; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located in a wildland-urban interface (WUI) setting, but it is not located in an area statutorily designated as a Moderate, High, or Very High FHSZ by CAL FIRE or Riverside County; rather the Development Site is accurately designated as LRA Non-VHFHSZ. The Fire Protection Plan (FPP) did not find evidence that the Development Site has been burned in recorded history.

Development of the Development Project and its included fire mitigation strategies would further reduce the potential for wildland fire ignition at the Development Site. The FPP analyzed the likelihood that any fire starting on the Development Site would spread to adjacent areas and determined that the Development Site's managed landscapes ignition resistant building, parking areas, fuel modification zones, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes would make spread into wildland fuels unlikely. According to the FPP, the most common type of wildfire anticipated in the vicinity of the Development Project is a wind-driven fire from the northeast moving through the annual grasses and chaparral typical of the region. Compliance with the regulations of the most recently adopted Riverside County Fire Department Fire Code, California Fire Code (CFC), and California Building Code (CBC) to avoid the Development Project's potential to exacerbate wildfire risks. Regardless of the origin of a potential wildfire, compliance with regulatory measures would ensure the ignition resistance of the structures. Fuel modification requirements and ongoing maintenance of the site landscaped areas are required to be implemented with the result that projected flame lengths would be reduced to levels that would be manageable by firefighting resources for protecting on-site structures. (EIR Section 4.9.6.7). In addition, RCM at pages 4.9-20-21 provides additional, specific provisions that implement regulatory requirements and further ensure that impacts are less than significant, and no mitigation is required.

3.9 HYDROLOGY AND WATER QUALITY

The Project impacts for CEQA Hydrology and Water Quality thresholds 4.10.1, 4.10.2, 4.10.4, and 4.10.5 do not result in significant impacts and findings are discussed below.

3.9.1 Threshold 4.10.1

Impact Statement: The Development Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Findings

Potential impacts of the Development Project related to Threshold 4.10.1 are discussed in detail under Section 4.10.6.1 of the EIR. The Development Project would not violate any water quality standards or waste discharge requirements. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10.1; therefore, no mitigation is required.

Substantial Evidence

Because construction of the Development Project would disturb greater than 1 acre of soil, the Development Project is subject to the requirements of the Construction General Permit (CGP), as specified in Regulatory Compliance Measure (RCM) WQ-1, identified below. Construction of the Development Project would comply with existing NPDES regulations (as specified in RCM WQ-1 and RCM WQ-2), which include preparation of an SWPPP and Erosion and Sediment Control Plans and implementation of Construction BMPs to target and reduce pollutants of concern in storm water runoff. As also specified in RCM WQ-1, a SWPPP would be prepared and construction BMPs detailed in the SWPPP would be implemented during construction, in compliance with the requirements of the CGP. In addition, as specified in RCM WQ-2, an Erosion and Sediment Control Plan would be prepared and submitted to the City of Banning's Public Works Department prior to issuance of any grading permit in compliance with the City's Municipal Code. As construction of the Development Project is

expected to occur over a number of years, an Erosion and Sediment Control Plan would also be prepared annually during construction and submitted to the City of Banning's Public Works Department for approval. The SWPPP and Erosion and Sediment Control Plans would detail the BMPs to be implemented during construction and would reduce any amount of sedimentation flowing off-site and into downstream receiving waters. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into Highland Wash, Smith Creek, and Pershing Creek and into downstream receiving waters. Compliance with the requirements of the CGP and City Municipal Code, including incorporation of construction BMPs to target and reduce pollutants of concern in storm water runoff and reduce sediment release to receiving waters, would ensure that construction impacts related to water quality standards, waste discharge requirements and potential degradation of surface or groundwater quality during construction would be less than significant, and no mitigation is required.

Expected pollutants of concern from long-term operation of the Development Project could include bacteria/virus, heavy metals, toxic organic compounds, nutrients, sediment/turbidity, trash and debris, oils, and grease. The Development Project would be required to comply with the requirements of the Whitewater River Watershed MS4 Permit and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development which would ensure a less than significant impact.

Implementation of proposed BMPs would target and reduce pollutants of concern from runoff from the Development Site in compliance with the Whitewater River Watershed Municipal Separate Storm Sewer Systems (MS4) Permit requirements and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. The MS4 Permit requires preparation of a Final Water Quality Management Plan (WQMP) that identifies the Site Design BMPs (storm water management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading); Source Control BMPs (measures that prevent the introduction of pollutants into storm water); Low Impact Development (LID) mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate runoff rather than allowing runoff to flow directly to piped or impervious storm drains); and Treatment Control BMPs (structural BMPs designed to treat and reduce pollutants in storm water runoff prior to releasing it to receiving waters) that would be implemented to capture, treat, and reduce pollutants of concern in storm water runoff. The Preliminary WQMP specifies the Source Control, Site Design, and LID BMPs proposed for the Development Project (no Treatment Control BMPs are proposed because the proposed infiltration basins are being sized to retain 100 percent of the 100-year, 3-hour storm event), and this will be refined based on final site plans as required by RCM WQ-3. Preliminary LID and Design features and regulatory requirements are set forth at Draft EIR Section 4.10.6.1.

Compliance with these requirements, including incorporation of RCM WQ-1 through 3 and operational BMPs to target pollutants of concern, would ensure that impacts related to a potential violation of any water quality standards or waste discharge requirements and degradation of surface or groundwater water quality during Development Project operation would be reduced to less than significant, and no mitigation measures are required. (Draft EIR Section 4.10.6.1).

3.9.2 Threshold 4.10.2

Impact Statement: The Development Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Development Project may impede sustainable groundwater management of the basin.

Findings

Potential impacts of the Development Project related to Threshold 4.10-2 are discussed in detail under Section 4.10.6.2 of the EIR. The Development Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-2; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located within the boundary of the Coachella Valley Groundwater Basin and the San Gorgonio Pass Subbasin.

According to the Geologic and Geotechnical Review prepared for the Development Project, no groundwater was encountered during on-site boring to a depth of 50 feet. Based on historical groundwater levels, however, groundwater is expected at a depth of 100 feet below the ground surface of the Development Site. Based on the depth to groundwater and infiltration rates determined by percolation tests performed on the Development Site, dewatering activities are not anticipated to occur during Development Project construction activities. Therefore, Development Project construction is not expected to result in a decrease of groundwater supplies or interfere with groundwater recharge in a manner that may decrease groundwater supplies or impede sustainable groundwater management, and Development Project impacts would be less than significant, thus, no mitigation is required.

Development of the Development Project would increase impervious surface area by approximately 333.2 acres, which would decrease on-site infiltration. However, landscaped slope, parking medians, open space, and infiltration basins would be developed as part of the Development Project design to provide areas where storm water runoff can collect and infiltrate. The City of Banning's potable and non-potable water is supplied through groundwater sources. Therefore, it is expected that the Development Project would rely on existing groundwater entitlements to serve the Development Project's water needs. A Water Supply Assessment was prepared for the Development Project and determined that the City of Banning had sufficient water supply to serve the Development Project and other ongoing and projected users from groundwater sources during normal, dry year, and multiple dry year conditions, and that sufficient water supplies from existing entitlements are available to serve the Development Project. Therefore, impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant, thus, no mitigation would be required. (EIR Section 4.10.6.2).

3.9.3 Threshold 4.10.4

Impact Statement: The Development Project would not result in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.

Findings

Potential impacts of the Development Project related to Threshold 4.10-4 are discussed in detail under Section 4.10.6.4 of the EIR. The Development Site is not located in a tsunami hazard zone, near any closed bodies of water that would be susceptible to impacts associated with a seiche, and, with the exception of Smith Creek and Pershing Creek which are in Flood Hazard Zone A, the majority of the Development Site is not located within a floodplain, so that there is not a risk of release of pollutants due to Project inundation. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-4; therefore, no mitigation is required.

Substantial Evidence

The Development Site is approximately 55 miles northeast of the Pacific Ocean. Based on the distance from the Pacific Ocean, the Development Site is not located in a tsunami hazard zone and therefore would not be susceptible to impacts associated with a tsunami. The Development Site is not adjacent to or near any closed bodies of water, and, therefore, would not be susceptible to impacts associated with a seiche. Smith Creek and Pershing Creek, located on the Development Site, are in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. The remaining portions of the Development Site are not located within a floodplain. During construction, BMPs would be implemented to ensure that during a rain event, pollutants would be retained on site and be prevented from reaching downstream receiving waters. During operations, the Development Project would include 16 infiltration basins sized adequately to retain storm water flows from a 100-year, 3-hour storm, thereby reducing the chance of flooding that could release pollutants to downstream receiving waters. Based on Development Project design and the distance the Development Site is away from the Pacific Ocean and closed bodies of water, implementation of the Development Project would not result in a flood hazard, tsunami, or seiche, risking release of pollutants due to Development Site inundation. (EIR Section 4.10.6.4).

3.9.4 Threshold 4.10.5

Impact Statement: The Development Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Findings

Potential impacts of the Development Project related to Threshold 4.10-5 are discussed in detail under Section 4.10.6.5 of the EIR. The Development Project would not conflict with Colorado River RWQCB Water Quality Control Plan or obstruct the implementation of a sustainable groundwater management plan. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-5; therefore, no mitigation is required.

Substantial Evidence

The Development Site is within the jurisdiction of the Colorado River RWQCB. The Development Project would comply with existing Whitewater River Watershed MS4 requirements and would implement construction and operational BMPs to reduce pollutants of concern in storm water runoff (RCM WQ-1, RCM WQ-2, and RCM WQ-3). Compliance with these regulatory requirements would ensure that the Development Project would not degrade or alter water quality in a manner that would cause the receiving waters to exceed the water quality objectives or impair the beneficial use of receiving waters. As such, the Development Project would not result in water quality impacts that would conflict with the Colorado River RWQCB Water Quality Control Plan for the Colorado River Basin Region.

The Development Project would not require dewatering activities during construction as construction depth would not reach the current groundwater level underlying the Development Site. The additional impervious surface areas that would result from Development Project construction would not substantially decrease infiltration compared to existing conditions due to the incorporation of landscaped slope, parking medians, open space, and infiltration basins. The Development Project would increase water use over the land uses that the theUrban Water Management Plan (UWMP) previously accounted for, and the difference would be obtained from groundwater. The Water Supply Assessment completed for the Development Project indicates that there are adequate water supplies from groundwater sources during normal, dry year, and multiple dry year demands to serve the Development Project's needs through 2045. Additionally, the City of Banning's Public Works Department, which supplies municipal water, ensures that sufficient water supplies from non-groundwater sources are available to continually recharge the groundwater basins so that groundwater overdraft does not occur. In addition, in 2022, the San Gorgonio Pass Water Agency (SGPWA) entered into a 20-year Agreement with the City of San Buenaventura (Ventura) and the Casitas Municipal Water District (Casitas) to purchase annually up to 10,000 acre-feet of Ventura and Casita's Table A State Water Project entitlement. This water would be in addition to the existing 17,300 acre-feet Table A allocation for SGPWA. The City can expect to receive additional water from SGPWA because of its contract with Ventura and would use this additional water for more groundwater recharge. Refer to Section 4.19.3.1 of the Final EIR for additional discussion. For these reasons, the Development Project would not conflict with or obstruct the implementation of a sustainable groundwater management plan.

3.10 LAND USE AND PLANNING

Project impacts for CEQA Land Use and Planning do not result in significant impacts and findings are discussed below.

3.10.1 Threshold 4.11.1

Impact Statement: The Development Project would not physically divide an established community.

Findings

Potential impacts of the Development Project related to Threshold 4.11.1 are discussed in detail in Section 4.11.6.1 of the EIR. The Development Project would not physically divide an established community because the site fits a logical pattern for development in the area. The City finds that

development of the Development Project will result in no impacts relating to Threshold 4.11.1; therefore, no mitigation is required.

Substantial Evidence

Implementation of the Development Project would not physically divide an established community because it would contribute to further urbanization of the area, and facilitate connecting existing development to the Development Project. Under current conditions, Westward Avenue connects the communities on the east and west sides of the Development Site but does not cross the Development Site. Westward Avenue is currently a two-lane unpaved roadway between Highland Home Road and Sunset Avenue. East of Sunset Avenue, Westward Avenue is a two-lane paved roadway. To the south of the Development Site, Bobcat Road connects to Sunset Avenue on the east side of the Development Site but is also unimproved. In the existing condition, Bobcat Road is a compressed dirt road that traverses the wash at grade near the southeast corner of the Development Site. These roads would be retained with the current design of the Development Project, maintaining connectivity for the existing communities surrounding the Development Site facilitating access to onsite commercial and open space uses, and for potential employees. Bobcat Road would be paved with two lanes in each direction, curbing, and sidewalks in both directions. Westward Avenue would be paved similar to Bobcat Road as part of the SLB Extension. Additionally, the Development Project would include new paved roadways that would connect to the existing roadways, providing additional options for crossing the Development Site and maintaining connectivity of the current communities. Therefore, impacts to the existing communities adjacent to the Development Site would be less than significant. The Development Project would bring additional traffic to the area because of the commercial and industrial operations that would be developed, but the additional roadways are designed to connect the Development Project to the surrounding areas. (EIR Section 4.11.6.1).

3.10.2 Threshold 4.112

Impact Statement: The Development Project would not cause a significant environmental impact due to a conflict with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Findings

Potential impacts of the Development Project related to Threshold 4.11.2 are discussed in detail in Section 4.11.6.2 of the EIR. The Development Project would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.11.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project's consistency with the City's General Plan, SCAG's Connect SoCal, the Western Riverside County MSHCP, land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is discussed below.

As detailed in Section 4.11 of the Draft EIR, implementation of project design features, conditions of approval, regulatory compliance measures, mitigation measures, and ongoing consultation with the

City of Banning and applicable agencies, would ensure the Development Project maintains consistency with the goals and policies established in the City's General Plan. CEQA requires an EIR to address only whether the Development Project would conflict with the General Plan in such a way that it would result in an environmental effect. In the absence of a planning inconsistency that results in an environmental effect, it is adequate for the City to state, as indicated below, that no conflict would occur. A project need not be in perfect conformity with each and every general plan policy to be found consistent with the general plan. It need only be compatible with the objectives, policies, general land uses and programs specified in the general plan. The Development Project is consistent with the overall goals of the City's General Plan Land Use Element, which are intended to ensure a balance of residential, commercial, industrial, open space and public lands, and to allow changes to the General Plan land use categories for the remaining capacity of undeveloped land. The Land Use Element also recognizes that industrial development has been an important source of jobs in the City, and the City would continue to attract industrial land uses. Table 4.11.A: Development Project Consistency Analysis with the City of Banning General Plan identifies the General Plan policies and goals relevant to the Development Project and discusses Development Project consistency. Appendix J-2 and Appendix J-3 identify recommended conditions of approval (COA TRA-1 through TRA-35), also listed in the Section 4.11 (land use) of the Draft EIR, that the City can adopt to ensure the Development Project would be consistent with the City of Banning General Plan (Final EIR Chapter 3.0, Response to Comment E-31-12). The General Plan Amendment proposed for the Development Project would update the General Plan Land Use Map to reflect the land uses of the Development Project while continuing to provide for a range of housing densities in the City through concurrent General Plan Amendment for the MSJC Site.

The current land use designation of the Development Site includes portions of the Development Site that are designated open space. These portions would be retained as open space and/or a public park under current design. The Development Project would preserve more of the Development Site for resource conservation than does the existing zoning and would be consistent with applicable MSHCP guidelines and goals, as discussed in Section 4.4 of this EIR. The remaining portions of the Development Site are currently designated for residential land uses and would need to be re-zoned for industrial uses. This change would be consistent with the City of Banning's General Plan goals and policies and would not conflict with existing adjacent land uses. (EIR Section 4.11.6.2).

3.11 MINERAL RESOURCES

Project impacts for CEQA Mineral Resources do not result in significant impacts and findings are discussed below.

3.11.1 Threshold 4.12.1

Impact Statement: The Development Project would not result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the State.

Findings

Potential impacts of the Development Project related to Threshold 4.12.1 are discussed in detail in Section 4.12.6.1 of the EIR. The Development site is not identified as an area containing known mineral

resources. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.12.1; therefore, no mitigation is required.

Substantial Evidence

The City of Banning is in Riverside County, and there is no land within Riverside County that the SMGB designates as locally important mineral recovery sites. While the Development Site is mapped as MRZ-3 (an area of undetermined mineral resource significance), it is not identified as an area containing known PCC-grade aggregate resources. Furthermore, over the past 120 years, there has been no evidence that significant mineral resources are located on the Development Site nor has the State, County, or City conducted mineral recovery on the Development Site. The General Plans of the City and Riverside County have not designated the Development Site with a land use designation that allows for mineral extraction nor does either the City or County designate the Development Site as an area held in reserve for future mining activities. (EIR Section 4.12.6.1). In the absence of any evidence that mineral resources of a regional or Statewide significance are located on the Development Site, project impacts would be less than significant.

3.11.2 Threshold 4.12.2

Impact Statement: The Development Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Findings

Potential impacts of the Development Project related to Threshold 4.12.2 are discussed in detail in Section 4.12.6.2 of the EIR. The Development site is not identified as an area containing known mineral resources on a local general plan, specific plan, or other land use plan. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.12.2; therefore, no mitigation is required.

Substantial Evidence

Neither the City of Banning General Plan nor the Riverside County General Plan delineates the Development Site as a locally important mineral resource recovery site. The nearest mine to the Development Site mapped on the Division of Mine Reclamation's "Mines Online" map is the Banning Quarry, an active sand and gravel mine approximately 3.28 miles northeast of the Development Site. Implementation of the Development Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (EIR Section 4.12.6.2).

3.12 NOISE

Project impacts for CEQA Noise Thresholds 4.13.2 and 4.13.3 do not result in significant impacts and findings are discussed below. Project impacts for traffic during construction and related to operational noise under Threshold 4.13.1 do not result in significant impacts and findings are discussed below. Findings with respect to significant and unavoidable construction noise impacts under Threshold 4.13.1 are discussed in Section 5.3.

3.12.1 Threshold 4.13.1

Impact Statement: With respect to construction traffic, the Development Project would not substantially increase ambient noise levels on off-site noise-sensitive uses in excess of the City's interior construction noise standard or substantially increase ambient noise levels on off-site noise-sensitive uses in excess of conditionally acceptable noise levels established in the City and County's land use compatibility for community noise. With respect to operational noise impacts from traffic and on-site uses, the Development Project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Findings

Potential impacts of the Development Project related to Threshold 4.13.1 are discussed in detail in Section 4.13.6.1 of the EIR. With implementation of PDF N-1 and N-2, the City finds that development of the Development Project will result in less than significant operational impacts relating to Threshold 4.13.1 and less than significant traffic noise impacts relating to Threshold 4.13.1; therefore, no mitigation is required. Findings with respect to significant and unavoidable construction noise impacts under this Threshold are discussed in Section 5.3.

Substantial Evidence

Construction Noise Traffic Impacts. The Development Project construction traffic would result in a traffic noise increase of up to 7.4 dBA along Sunset Avenue between Westward Avenue and Bobcat Road. The MSJC campus is the only noise-sensitive use along Sunset Avenue between Westward Avenue and Bobcat Road. As modified with the inclusion of MM NOI-2, the school is located approximately 115 feet from Sunset Avenue centerline. As analyzed in the Draft EIR, the school was presumed to be located only 75 feet from the Sunset Avenue Centerline and at that distance was determined to be exposed to a traffic noise level of 53.7 dBA CNEL based on **Table 4.13.J**. This noise level would not exceed the City's exterior noise standard of 65 dBA CNEL. In addition, ambient noise levels in this area represented by ST-3 have a noise level of 55.5 dBA CNEL shown in **Table 4.13.A**. Based on the above information, the actual noise increase would be less than 2.2 dBA when ambient noise levels are factored in. A noise increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment and therefore is found less than significant without mitigation.

Operational Traffic Noise Impacts. The FHWA Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions along street segments in the Development Project vicinity for the existing year, opening year, and horizon year and to evaluate whether off-site traffic noise would result in a substantial permanent increase in ambient noise levels and traffic noise levels would exceed the City's exterior noise standard of 65 dBA CNEL along Sunset Avenue between Lincoln Street and south of Westward Avenue.

Noise levels generated from project operations would not exceed the City's exterior daytime noise standard of 55 dBA L_{eq} for residences and the MSJC campus located in the City. With implementation of PDF N-1, off-site traffic noise impacts from operation of the Development Project would be less than significant because the Development Project would not exceed the City's exterior noise standard

of 65 dBA CNEL for noise-sensitive land uses such as residence even though the Development Project would result in a substantial permanent increase in ambient noise levels.

Operational Stationary Source Noise Impacts. Truck delivery and truck loading and unloading activities; heating, ventilation, refrigeration equipment, and air conditioning (HVAC) equipment; drive-through speakerphones; parking lot activities, fueling activities, and outdoor eating activities associated with the Development Project could affect the existing off-site sensitive land uses. PDF N-2 would include 10ft high "wing walls" around buildings 1 and 2, refrigeration equipment would require rooftop equipment to be shielded or relocated to the ground floor, and automobile parking lots south of warehouse buildings 1 and 2 would be surrounded by 6 ft high walls.

Noise levels generated from operations of the Development Project would not exceed the County's exterior daytime 10-minute noise standard of 65 dBA L_{eq} for residences located in the unincorporated County, and noise levels generated from operations of the Development Project would not exceed the County's exterior nighttime 10-minute noise standard of 45 dBA L_{eq} for residences located in the unincorporated County except for residences represented by Receptor R-11. Since noise level increase of less than 3dBA would not be perceptible to the human ear in an outdoor environment, and the Development Project would increase ambient noise levels by up to 2.9 dBA, the project operational noise impacts would be less than significant. (EIR Section 4.13.6.1).

3.12.2 Threshold 4.13.2

Impact Statement: The Development Project would not generate excessive ground-borne vibration or ground-borne noise levels.

Findings

Potential impacts of the Development Project related to Threshold 4.13.2 are discussed in detail under Section 4.13.6.2 of the EIR. The Development Project will not generate excessive ground-borne vibration or noise levels. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.13.2; therefore, no mitigation is required.

Substantial Evidence

The greatest vibration levels and annoyance and building damage impacts would occur during the site preparation and grading phase and to be generated by construction equipment. Draft EIR Section 4.13.6.2. All other phases are expected to result in lower vibration levels. The Draft EIR (Table 4.13.X Potential Construction Vibration Annoyance) lists the projected vibration levels from various construction equipment expected to be used on the Development Site from the active construction area, which is the center of the closest on-site building, to the closest off-site buildings in the project vicinity. As identified there, the level of vibration generated by the Development Project from construction equipment would not have the potential to result in community annoyance because vibration levels would not exceed the FTA community annoyance threshold of 78 VdB for sensitive receptors at the closest residential structures or at the school on the MSJC Site. Other building structures surrounding the Development Site would experience lower vibration levels because they are farther away. Since construction equipment would be the primary source of vibration impacts and in the absence of any evidence that construction equipment would cause vibration exceeding the FTA

annoyance threshold at sensitive receptors closest to the Development Site, project impacts would be less than significant.

The Final EIR (Table 4.13.Y Potential Construction Vibration Damage) lists the projected vibration levels from various construction equipment expected to be used on the Development Site from the project construction boundary to the closest off-site buildings in the project vicinity. This vibration level would not have the potential to result in building damage because all building structures surrounding the Development Site were observed to be constructed of nonengineered-timber and masonry and vibration levels would not exceed the FTA vibration damage threshold of 0.2 PPV (in/sec). Other building structures surrounding the Development Site would experience lower vibration levels because they are farther away. Since construction equipment would be the primary source of building damage vibration impacts and in the absence of any evidence that construction equipment would cause vibration exceeding the FTA annoyance threshold at sensitive receptors closest to the Development Site, project impacts would be less than significant.

Once operational, the Development Project would not generate vibration. In addition, vibration levels generated from project-related traffic on the adjacent roadways (i.e., Sunset Avenue, Highland Springs Avenue, Sun Lakes Boulevard/Westward Avenue, and Bobcat Road) would be unusual for on-road vehicles because the rubber tires and suspension systems of on road vehicles provide vibration isolation. (EIR Section 4.13.6.2). Therefore, vibration levels generated from operations of the Development Project would be less than significant.

3.12.3 Threshold 4.13.3

Impact Statement: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the Development Project would not expose people residing or working in the project area to excessive noise levels.

Findings

Potential impacts of the Development Project related to Threshold 4.13.3 are discussed in detail in Section 4.13.6.3 of the EIR. The Development site is outside the noise contours of Banning Municipal Airport. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.13.3; therefore, no mitigation is required.

Substantial Evidence

Based on the Riverside County Airport Land Use Compatibility Plan, the Development Site is outside the 55 dBA CNEL noise contours of Banning Municipal Airport. Additionally, there are no private airstrips located within the vicinity of the Development Site. Therefore, the Development Project would not expose people working in the project vicinity to excessive noise levels. (Draft EIR Section 4.13.6.3).

3.13 POPULATION AND HOUSING

Project impacts for CEQA Population and Housing do not result in significant impacts and findings are discussed below.

3.13.1 Threshold 4.14.1

Impact Statement: The Development Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Findings

Potential impacts of the Development Project related to Threshold 4.14.1 are discussed in detail in Section 4.14.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.14.1; therefore, no mitigation is required.

Substantial Evidence

Construction. The Development Project would develop a vacant approximately 533.8-acre site with industrial uses, general commercial uses, and a 125-room hotel. Implementation of the Development Project is anticipated to occur in three phases over the span of approximately 51 months. It is anticipated that general construction labor would be available from the local and regional labor pool and would not result in substantial population growth. Many of the construction jobs for each phase would be temporary and would be specific to the variety of construction activities. Each construction phase (e.g. grading, paving, electrical etc.) requires different skills and specialties, which would be needed for the length of time of that phase. Although the Specific Plan uses would increase the number of employees at the Development Site during construction activities, it is expected that local and regional construction workers would be available to serve the construction needs of the site. This can be reasonably determined based on the current (August 2023) unemployment rates of 5.9 and 5.0 percent for the City and County, respectively. Construction workers would not be expected to relocate their households' places of residence as a consequence of working on the Development Project. Because of that, the Development Project's construction phases would not result in a long-term increase in employment and would not induce substantial unplanned population growth from short-term construction activities. Therefore, the Development Project would not directly or indirectly induce substantial unplanned population growth in the City during construction, or induce demand for housing through increased construction employment. Therefore, construction would result in a less than significant impact, and no mitigation would be required.

Operation. The Development Site currently is designated for residential and commercial development. The Development Project would not include the development of residential units, and buildout of the Development Project would not directly add to the existing residences or induce direct population growth in the City. However, compliance with Government Code Section 66300 et seq. would mean there would be no net loss of residential capacity in the City and development of the Development Site with commercial and industrial uses would not cause a reduction of potential housing stock.

Proposed uses on the Development Site are anticipated to provide employment for up to 5,993 people at Specific Plan buildout. While SCAG 2016 employment predictions for the City were forecasted to increase to 11,400 jobs in 2045, employment in the City in 2022 already reached 10,500 employees. Response to Comment D-3-18. The City currently has a jobs-housing imbalance, and City and County unemployment rates cited in the Draft EIR **Section 4.14.6.1 and RTC D-3-18** suggest an available local

and regional labor pool exists to fill the long-term employment opportunities offered by the Development Project. In addition, there is an imbalance of jobs and housing in Western Riverside County and the jobs that an industrial and commercial project could provide would be consistent with the job skills of residents in the area. Approximately 86.1% of Banning residents commute outside of the City for work. The City and region contain an ample supply of potential employees under existing conditions which makes it unlikely that the Development Project's labor demand would need to draw substantial number of employees from outside the region to fill the employment opportunities resulting from implementation of the Development Project. The employment generated from the Development Project generation would not induce substantial growth in the area because the Development Project would result in service-oriented and industrial-oriented jobs, which are jobs that are anticipated to be filled by residents of the City and surrounding area. See response to Comment D-3-18. Additionally, existing approved and planned residential development in the City could sufficiently accommodate any new workers; therefore, the Development Project does not induce unplanned population growth.

The infrastructure that would be constructed in connection with the Development Project is either already planned for by the City or needed for already planned growth as described in the City's General Plan, Integrated Master Plan (IMP), Capital Improvement Program (CIP), and/or other City plans. The Development Project does not require off-site construction or extension of infrastructure that was not already considered and approved by the City. For example, while the Development Project includes the installation of a new internal circulation network, the roadway improvements constructed as part of the Development Project would result in build out of roads in a manner consistent with the City's existing General Plan Circulation Element and would not expand the scope or change the designations of those roadways beyond the City's already planned for improvements. Similarly, while the Development Project will underground certain existing utility lines along the perimeter of the Development Site it will not extend utility lines in areas other than the perimeter of the Development Site and only connects the Development Site with existing utility lines abutting the site. The installation of wet utility facilities (e.g., water, wastewater, recycled water) required for the Development Project would connect to existing City systems pursuant to the future needs identified in the IMP and developed pursuant to the City's CIP and would not extend infrastructure or promote growth (directly or indirectly) beyond that already accounted for by the City; therefore, impacts would be less than significant.

To comply with SB 330 requirements, the proposed Development Site would transfer the 1,146 residential units to an existing 49.2-acre site located in the City (to the east of the Development Site) that is owned by the Mt. San Jacinto Community College District (MSJCCD). As such, unaccounted for population growth due to this action would not occur. (EIR Section 4.14.6.1).

3.13.2 Threshold 4.14.2

Impact Statement: The Development Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Findings

Potential impacts of the Development Project related to Threshold 4.14.2 are discussed in detail in Section 4.14.6.2 of the EIR. The Development Project would not displace any existing housing or

populations at the Development Site. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.14.2; therefore, no mitigation is required.

Substantial Evidence

In its existing condition, the Development Site is undeveloped land that is utilized for occasional cattle grazing. The Development Project would not displace any existing housing or populations at the Development Site. (EIR Section 4.14.6.2).

3.14 PUBLIC SERVICES

Project impacts for CEQA Public Services do not result in significant impacts and findings are discussed below.

3.14.1 Threshold 4.15.1

Impact Statement: The Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

Findings

Potential impacts of the Development Project related to Threshold 4.15.1 are discussed in detail in Section 4.15.6.1 of the EIR. Construction of a new fire facility on the Development Site or elsewhere in the City is not required as a result of the Development Project. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.1; therefore, no mitigation is required.

Substantial Evidence

The Development Project would impact fire services by placing an additional demand on existing resources and personnel but would not increase the level of personnel or resources beyond that currently provided by these stations.

Construction. Construction activities for the Development Project and the public facilities have the potential to affect fire protection services, such as emergency vehicle response times, by potentially requiring circulation detours, road closures, and lane closures during off-site improvements around the Development Site. The City and/or fire protection authority may identify requirements to maintain necessary access by law enforcement providers through evacuation (as necessary) from construction zones. Requirements may include (but would not be limited to): advance notification to motorists and emergency service providers; identification or installation of appropriate detour/access routes; use of signage, traffic control features, or flag persons during construction activities to facilitate access; restrictions on the duration/timing of construction activities; and/or scheduling/phasing of construction activities to avoid/minimize changes in public access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site. Therefore, potential

impacts related to emergency access during the Development Project construction would be less than significant, and no additional mitigation measures would be required.

Construction associated with the Development Project could also increase the potential for accidental on-site fires from the operation of construction equipment, the use of flammable construction materials, and sparking during the removal of existing on-site vegetation. California Occupational Safety and Health Administration (CAL-OSHA) and Fire and Building Code requirements mandate that the construction contractor carefully store flammable materials in appropriate containers during Development Project construction, use construction equipment with spark arrestors, and to immediately and completely clean up spills of flammable materials when they occur. In addition, the construction contractor and construction personnel would be trained in emergency response, and fire suppression equipment specific to the construction site would be available and maintained on site for the duration of the construction period. Adherence to existing laws would ensure that the Development Project would not have a significant construction impact related to fire protection service from RCFD. As such, construction-related impacts to fire protection, emergency medical services, and fire department response times would be minimized and the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection would not be required. Impacts would be less than significant, and no mitigation measures are required.

Operation. The proposed Development Project permits up to 5,545,000 square feet of industrial use on 392.0 acres, up to 268,400 square feet of commercial uses, including Travel Center Retail Uses, a Fueling Facility and a hotel with 125 rooms comprised of approximately 90,000 square feet in a 47.9-acre area on the Northern Portion of the Development Site, 65.6 acres of Open Space – Park/Resource use, and 28.3 acres of internal street dedication/circulation. The Development Project would provide general and emergency access via Sunset Avenue. With development of the Development Project, multiple points of access would be created. Access to Sunset Avenue would be provided via "Street A," Lincoln Street, and the SLB Extension. Access to the commercial area in PA 1 would be provided by "Street A" and Lincoln Street. Direct access to PAs 2, 3, and 4 would be provided by Sunset Avenue. Access to PAs 6 and 7 would be provided from the south by Lincoln Street, and access to PAs 2, 5, and 8 would be provided from the north by Lincoln Street and by the SLB Extension to the south. PAs 9 and 10 would be provided access from the future SLB Extension. PAs 11 and 12 would be accessible from the SLB Extension and South Highland Home Road. Planning Area 4 would be accessible from the SLB Extension on the north and Bobcat Road on the south. All roadways and structures associated with the Development Project would be constructed in accordance with City and RCFD emergency access standards. Development on the Development Site would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Development Site for emergency vehicles. The commercial and industrial uses associated with the Development Project would generate an increased demand for RCFD service due to the number of employees anticipated to occupy the Development Site at any given time and based on the size of the buildings that would be developed as part of the Development Project. Although the Development Project would increase the demand of service from RCFD, the RCFD has indicated that existing staffing levels at Stations 89 and 20, as well as other RCFD Stations in the vicinity of the

Development Site, would adequately serve the Development Project. Further, the Development Project would not have a significant impact on fire services if the RCFD Fire Station to be located in PA 12 is not developed, as the RCFD has indicated that existing staffing levels at Stations 89 and 20, as well as other RCFD Stations in the vicinity of the Site, would adequately serve the Development Project. Based on the anticipated nature and scale of development, including the anticipated employment population on the Development Site, occupation of the Development Site with the proposed uses is anticipated to increase emergency call volume by up to 483 calls per year (9 calls per week or 40 calls per month). At Development Project buildout, Fire Station 20 could potentially respond to an additional 8 calls per week, which would increase the total number of calls per week to up to 65. Due to the industrial and commercial nature of the Development Project, the Development Site will be best categorized as "Heavy Urban" with a recommended response time of 5 minutes 90 percent of the time. Fire response to the Development Site closest existing Fire Station (Station 20) would achieve a 5-minute travel time to the western entrance of the Development Site. Responding from the east, Fire Station 89 would achieve a 5-minute travel time to the eastern entrance of the Development Site.

The Fire Protection Plan (FPP) prepared for the Development Project evaluated the potential fire risk associated with the proposed land uses and identified requirements for water supply, fuel modification and defensible space, access, building ignition and fire resistance, and fire protection systems, among other pertinent fire protection criteria. The FPP has been prepared for the Development Project to generate and memorialize the fire safety requirements and standards of the RCFD which inform the Development Project's designed to meet fire protection, emergency access, and emergency evacuation safety requirements. Water availability, fire water flow, and hydrant placement would be reviewed and verified by the RCFD to ensure compliance with local and State codes. The Fuel Modification Plan (FMP) of the FPP would be implemented to provide greater protection to Development Project buildings and occupants and to reduce commencement of fires.

Regulatory Compliance Measure (RCM) FIRE-1 (RCM FIRE-1) requires the Development Project to implement and adhere to the FPP and its wildfire reduction measures. Furthermore, RCM Public Services-1 (RCM PS-1) would require the payment of development impact fees to the City of Banning that would contribute to the fair share funding for RCFD improvements, staffing increases, and equipment purchases to ensure adequate fire protection services continue in the City and at the Development Site. (EIR Section 4.15.6.1)

With implementation of RCMs FIRE-1 and PS-1, the Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, or the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection. Construction of a new fire facility on the Development Site or elsewhere in the City is not required as a result of the Development Project and, notwithstanding the request by the City that the Development Project include a set aside of land for a potential future fire station, consideration of impacts of construction of a station at that location would be remote and speculative. Impacts would be less than significant, and no mitigation measures are required.

To allow flexibility to the City for future planning purposes, the Development Project incorporates an offer of dedication to the City for an approximately 1.5-acre site in Planning Area (PA) 12 as a potential

future site for a fire station, should the City determine in the future that location of a fire station facility in that location is advisable.

3.14.2 Threshold 4.15.2

Impact Statement: The Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

Findings

Potential impacts of the Development Project related to Threshold 4.15.2 are discussed in detail in Section 4.15.6.2 of the EIR. Construction of a new government facilities on the Development Site or elsewhere in the City is not required as a result of the Development Project and significant need of additional police protection is not anticipated. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.2; therefore, no mitigation is required.

Substantial Evidence

Construction. Construction activities have the potential to affect law enforcement services, such as emergency vehicle response times, by potentially requiring circulation detours, road closures, and lane closures during off-site improvements around the Development Site. Construction activities including activities resulting in changes to access will be reviewed by the City and the Banning Police Department (BPD). The City and/or BPD may identify requirements to maintain necessary access by law enforcement providers similar to those identified for fire protection access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site thus resulting in no significant impacts.

Construction activities at the Development Site have the potential to attract criminals during non-construction hours due to construction equipment and vehicles with gasoline and diesel fuel left on site, and unsecured construction materials. To minimize criminal trespassing, the Development Site (construction areas) would be fenced and, during non-construction hours, access points would be locked. Construction equipment would be stored in well-lit areas, and smaller equipment would be secured to reduce absconding from trespassers. Patrols by BPD would increase during non-construction hours; however, such increases in patrolling would be nominal and would be in existing patrol areas of the BPD. Overall, steps would be taken during Development Project construction activities to reduce calls for service from the BPD negating the necessity to build a new police station or expand existing BPD stations in the City. Potential impacts related to law enforcement service during Development Project construction would be less than significant, and no mitigation measures are required.

Operation. The Development Project's commercial and industrial uses would increase the number of employees on the Development Site and would attract business and hotel visitors and therefore

would increase the population within the City of Banning and within the BPD service area during certain periods. The Development Project would not include the development of residential units and therefore would not directly increase the existing population of the City of Banning and the BPD service area. Because of the increase in employees and business and hotel visitors, it is anticipated that BPD service calls would increase due to the Development Project and could impact the service capability of the BPD over the lifetime of the Development Project. The purpose of the Police Facilities Development Impact Fees is to address the needs of the City to add new BDP stations purchase of new BPD equipment, and/or improvements to existing BDP facilities in the City as needed. As a condition of the Development Project, specified in RCM PS-2 (Draft EIR Section 4.15.6.2), the Development Project would pay its fair share of Police Facilities Development Impact Fees and implementation of the Development Project would not require the specific development of a new BPD facility or expansion of the existing facility in the City, impacts would be less than significant, and no mitigation measures would be required. (EIR Section 4.15.6.2).

3.14.3 Threshold 4.15.3

Impact Statement: The Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

Findings

Potential impacts of the Development Project related to Threshold 4.15.3 are discussed in Section 4.15.6.3 of the EIR. The Development Project does not include the development of residential uses and direct increases in student enrollment to schools in BUSD would not occur. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.3; therefore, no mitigation is required.

Substantial Evidence

As the Development Project does not include the development of residential uses, direct increases in student enrollment to schools in the Banning Unified School District (BUSD) would not occur. It is estimated that the majority of the employees that would occupy the Development Site would likely reside in areas and jurisdictions surrounding the Development Site or within the City of Banning and/or within the current service boundary of the BUSD; as such, school-aged children of any potential new employees would already be enrolled in BUSD schools and the addition of new students to BUSD would be nominal. The provisions of SB 50 provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local laws. As such, with payment of Development Impact Fees to BUSD through implementation of RCM PS-3, impacts to the BUSD and its schools from implementation of the Development Project would be less than significant, and no mitigation measures are required. (EIR Section 4.15.6.3).

3.14.4 Threshold 4.15.4

Impact Statement: The Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or

physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

Findings

Potential impacts of the Development Project related to Threshold 4.15.4 are discussed in detail in Section 4.15.6.4 of the EIR. The Development Project would not increase the population requiring the need for the development of additional parks. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.4; therefore, no mitigation is required.

Substantial Evidence

The Development Project would not include the development of residential units; therefore, the Development Project would not directly add to the existing population of the City, and would not generate new residential park demand. The City determines park demand on a per resident basis. As such, industrial and commercial uses are not considered by the City to generate park and recreation demand. Additionally, the Development Project would include approximately 12.6 acres of Open Space – Parks. The 5 acre passive park on the Development Site would be open to the public and would be accessible to City residents, employees (including employees occupying the Development Site), and visitors. Impacts would be less than significant, and no mitigation measures are required. (EIR Section 4.15.6.4).

3.14.5 Threshold 4.15.5

Impact Statement: The Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities.

Findings

Potential impacts of the Development Project related to Threshold 4.15.5 are discussed in detail in Section 4.15.6.5 of the EIR. The Development Project would not increase the population to the extent that the construction of additional or physically altered public facilities are required. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.5; therefore, no mitigation is required.

Substantial Evidence

The EIR analysis focused on libraries, as other public facilities (i.e., City Town Hall and City Departments) have been developed to accommodate the build-out population of Banning as well as the employment force in the City of Banning. The Banning Library District (BLD) provides library service to Banning residents and employees. BLD facilities are currently providing adequate service to District residents. Demand for library services is typically determined based on the size of the resident population. Implementation of the Development Project does not include residential uses and

therefore would not directly add population to the City of Banning that could use services provided by the BLD. The BLD is funded through the payment of property taxes. In the absence of a direct or indirect increase in library demand from Development Site uses, there is no need for additional library facilities. As BLD facilities are currently providing adequate service to District residents, and because any use of BLD facilities by Development Site employees would be expected to be nominal, it is reasonable to conclude the continued payment of property taxes (which include an appropriate BLD assessment) will provide adequate funds to support BLD functions/facilities; therefore, no impact to BLD would result from development of the Proposed Project. (EIR Section 4.15.6.5).

3.15 RECREATION

Project impacts for CEQA Recreation do not result in significant impacts and findings are discussed below.

3.15.1 Threshold 4.16.1

Impact Statement: The Development Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Findings

Potential impacts of the Development Project related to Threshold 4.16.1 are discussed in detail in Section 4.16.6.1 of the EIR. The Development Project is not expected to result in an unplanned increase in the number of residents and would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.16.1; therefore, no mitigation is required.

Substantial Evidence

As indicated above, the City determines park demand on a per resident basis. Industrial and commercial uses are not considered by the City to generate park and recreation demand. The Development Project would not include the development of residential units and as a result buildout of the Development Project would not directly add to the existing population of the City and would not generate new residential park demand. Buildout of the Development Project is anticipated to increase employment in the City by approximately 5,993 jobs, the majority of which are anticipated to be filled by existing City residents or existing County residents. These existing City and County residents likely already use park and recreation facilities within the City and County. Some employees could relocate into the City or nearby unincorporated County land; however, the existing and planned housing stock in the City is more than sufficient to accommodate the small number of employees who may relocate, and therefore buildout of the Development Project would not indirectly result in a population increase in the City that has not been accounted for. Therefore, the Development Project would not result in existing park and recreational facilities in the City being used by more residents. Nevertheless, the Development Project would include approximately 12.6 acres of Open Space – Parks (comprising a 5.0-acre passive park and 7.6 acres of passive open space).

Although the City currently does not meet its per resident park requirements, because the Development Project is not expected to result in an unplanned increase in the number of residents in the City and the City does not consider industrial or commercial uses as generating park and recreation demand, the Development Project is not anticipated to generate an increased need for use of existing neighborhood or regional parks and other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated. (EIR Section 4.16.6.1).

3.15.2 Threshold 4.16.2

Impact Statement: The Development Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.16.2 are discussed in detail in Section 4.16.6.2 of the EIR. Future park developments within the Development Site were analyzed as ancillary incremental portions related to other uses on the Development Site, and would also be required to adhere to the development standards and design guidelines of the Specific Plan. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.16.2; therefore, no mitigation is required.

Substantial Evidence

Within the 12.6-acre Planning Area 11, Open Space – Park uses include 5.0 acres to be utilized as a passive park, with the remaining 7.6 acres utilized as passive open space. The 5.0-acre passive park would provide recreational amenities including a tot lot playground, picnic tables, trails, walking paths, surface parking lot, and restrooms. The 7.6-acre passive open space area would include a trail system. The 12.6-acre Open Space – Parks use would be publicly accessible and would likely be used by employees on the Development Site and existing off-site residents in the City and adjacent unincorporated County areas. Construction and operation of the proposed passive park on the Development Site has been evaluated throughout this EIR under the appropriate resource sections (air quality, biological resources, etc.) and is included in the analysis of environmental impacts of the Development Project in this EIR. Potentially adverse impacts to the environment that may result from the creation of parkland pursuant to buildout of the Development Project would be less than significant upon the implementation of the Specific Plan's goals, policies, and actions and existing federal, State, and local regulations. Future park developments within the Development Site would also be required to adhere to the development standards and design guidelines of the Specific Plan. Furthermore, subsequent City review would be required for approval and development of future park sites on the Development Site. Therefore, a less than significant impact relating to new or expanded park and recreational facilities would occur and no mitigation is warranted. (EIR Section 4.16.6.2).

3.16 TRANSPORTATION

Project impacts for CEQA Transportation Thresholds 4.17.1, 4.17.3 and 4.17.4 do not result in significant impacts and findings are discussed below.

3.16.1 Threshold 4.17.1

Impact Statement: The Development Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities.

Findings

Potential impacts of the Development Project related to Threshold 4.17.1 are discussed in detail in Section 4.17.6.2 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.1; therefore, no mitigation is required.

Substantial Evidence

The Development Project would be consistent with applicable plans, ordinances, and polices that address the circulation systems. Improvements to the existing roadway network (i.e., widening, parkways, sidewalk, curb and gutter, new lanes) and new internal roadways would be constructed to meet City standards. The Specific Plan Development Standards and Design Guidelines identify road design standards by which the Development Project roadway network would be developed. The Development Project would be consistent with the applicable General Plan policies related to pedestrian and bicycle facilities. The Development Project would include an internal circulation system presenting an opportunity for new bus stops to be added to the Banning Connect transit system. It is expected that transit service would be provided as needed and determined by Banning Connect once the Development Project reaches a transit-supportable level of operations or surpasses the existing transit facilities to the east of the Development Site. For these reasons, implementation of the Development Project would not be inconsistent with a program, plan, ordinance, or policy addressing the existing transit system. (EIR Section 4.17.6.2).

3.16.2 Threshold 4.17.3

Impact Statement: The Development Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)**.**

Findings

Potential impacts of the Development Project related to Threshold 4.17.3 are discussed in detail in Section 4.17.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.3; therefore, no mitigation is required.

Substantial Evidence

Improvements to the existing roadway network and new internal roadways would be constructed to meet City standards. The proposed driveways and intersections would be designed so as to not introduce hazards due to geometric design feature (e.g., sharp curves or dangerous intersections). This impact would be less than significant. Additionally, the Development Site occurs in an area surrounded by residential uses to the west, Union Pacific Railroad and I-10 to the north, and business park, light industrial, and residential uses to the east. While large-lot residential uses and agricultural operations (ranching/grazing) are located south of Bobcat Road, the Development Project would be separated from such uses by the existing roadway (Bobcat Road).

An additional project design feature has been incorporated into the Specific Plan (see revised Specific Plan, Section 3.4) to discourage truck travel along Sun Lakes Boulevard west of the Development Site.

Final EIR, Chapter 3.0, Response to Comment E-31-15 states, "As cited in the Specific Plan (Draft EIR, Appendix B, page 2-9) Sunset Avenue would have a "center raised or painted median." The improvement stated in the Specific Plan for this segment of Sunset Avenue is identified in Section 3.5.3.2 of the Draft EIR (see page 3-45 and Figure 3-9). As detailed in the Draft EIR (Section 4.11, pages 4-11-32 and -33), the improvements at the intersection of Sunset Avenue at both Lincoln Street and the Sun Lakes Boulevard include the installation of traffic signals, dedicated left turn lanes, and through- and right turn-lanes.[2] These features will regulate traffic along Sunset Avenue, thereby promoting sufficient and safe access into the Serrano del Vista Community and the MSJC Campus. As discussed in the Specific Plan (Appendix B, pages 1-4 and 2-10) the proposed circulation improvements are in conformance with the City's General Plan and would require appropriate review by the City Engineer. The City, through established design and development review processes, ensures that developments do not introduce inefficient or unsafe transportation system or traffic improvements. Established traffic safety designs and design protocols routinely employed by the City typically include: the California Manual on Uniform Traffic Control Devices (CA MUTCD); the Highway Design Manual; the AASHTO Policy on Geometric Design of Highways and Streets; the Caltrans Standard Plans and Standard Specifications; the City's Standard Drawings; and the City's Special Provisions. Other pertinent documents may include Specific Plans, Master Plans, and the Conditions of Approval for the Project. These design protocols would appropriately consider community access, truck movement, and potential traffic hazards. The provision of the circulation improvements (as reviewed and approved by the City Engineer and with the incorporation of appropriate design criteria) would ensure such improvements provide sufficient safe access to and through the Project area and to/from the Serrano del Vista community."

PDF T-4: Truck Route Management Plan. The Truck Route Management Plan, to be approved by the City Community Development Director, will be required prior to issuance of the first occupancy permits for each industrial site, and will include the following components:

- Posting of signage clearly showing the designated entry for trucks from the public streets to the designated on-site truck check-in and truck parking areas.

- Posting of signage indicating that all parking and maintenance of trucks must be conducted within the designated onsite areas and not within the surrounding community or on public streets.

- Posting of signage for exiting traffic (other than exempt vehicles) showing the designated exits and restricting westward travel on Sun Lakes Boulevard west of Highland Home Road.

- Lease provisions clearly identifying the required truck routes, including requiring trucks to use Sunset Avenue to access the I-10 Freeway interchange and prohibiting trucks (other than exempt vehicles) on Sun Lakes Boulevard west of Highland Home Road.

[2] See COAs TRA-25 and TRA-25, at Draft EIR Section 4.11.6.2.

- Consider and include, where feasible, driveway aprons providing egress to SLB Extension that physically direct trucks east on Sun Lakes Boulevard Extension in a manner that does not affect exempt vehicles.

- Truck route maps provided to all drivers and posted in breakrooms and throughout the Project.

- Designation of a Traffic Coordinator contact for the City to notify in the event of traffic issues.

For the Truck Route Management Plan, exempt vehicles include emergency and public safety vehicles, buses, limos and passenger vehicles, vehicles owned by a public utility or public agency and delivery vans serving local routes or using designated detour routes. With the incorporation of the Truck Route Management Plan, potential conflicts with truck traffic through residential uses would be reduced.

Therefore, the Development Project would not introduce safety hazards due to incompatible uses, and no mitigation is required. (EIR Section 4.17.6.4).

3.16.3 Threshold 4.17.4

Impact Statement: The Development Project would not result in inadequate emergency access**.**

Findings

Potential impacts of the Development Project related to Threshold 4.17.4 are discussed in detail in Section 4.17.6.5 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.4; therefore, no mitigation is required.

Substantial Evidence

The Development Project is not anticipated to result in any significant emergency access impacts during construction. In the event of an accident or emergency during Development Project construction, emergency service providers would be able to access the Development Site from Bobcat Road, Sunset Avenue, Lincoln Avenue, and Highland Home Road. Internal access roads would be constructed throughout the Development Site for construction staff/inspectors, construction equipment and materials delivery/removal, and emergency response vehicles. The access roads would be maintained in such condition as to allow for the safe passage of emergency response vehicles.

During Project operations, unimpeded access throughout the Development Site would be maintained by ensuring that vehicles would not be parked or placed in a manner that would impede access for emergency response vehicles. The access roads would be maintained in such condition as to allow for the safe passage of emergency response vehicles. The Development Project would include improvements to the existing roadway network and development of an internal roadway network consistent with City design standards. Overall, the Development Project would provide adequate access and signage for patrons, workers, and emergency access personnel. (EIR Section 4.17.6.5).

3.17 UTILITIES AND SERVICE SYSTEMS

Project impacts for CEQA Utilities and Service Systems do not result in significant impacts and findings are discussed below.

3.17.1 Threshold 4.19.1

Impact Statement: The Development Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Findings

Potential impacts of the Development Project related Threshold 4.19.1 are discussed in detail in Section 4.19.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.1; therefore, no mitigation is required.

Substantial Evidence

Water. The Development Project would not necessitate new or expanded water facilities, and the City would be able to accommodate the increased demand for potable water from existing supplies and infrastructure. While the City of Banning does not currently have a supply of recycled water available to users in the City, it anticipates implementing upgrades at the City's wastewater treatment plant that would meet tertiary treatment standards to supply recycled water for outdoor irrigated use. Accordingly, the Development Project would include internal infrastructure to connect to recycled water lines that currently exist along Sunset Avenue (24-inch diameter) from Lincoln Street to the future SLB Extension and in the future SLB Extension (24-inch diameter) itself, and would install four recycled water lines in adjacent streets to connect the Development Project to recycled water infrastructure. (Draft EIR Section 4.19.6.1). Given that the Development Project would comply with the City of Banning's standard requirements for facility planning and that adequate water distribution facilities would exist to serve the Development Site, the Development Project would not require the relocation or construction of new or expanded potable or recycled water facilities beyond the improvements detailed above. As required by the City of all development that connects to the City's potable water supply, Water Development Impact Fees, as required by Regulatory Compliance Measure UT-1 (RCM UT-1) (Draft EIR Section 4.19.6.1)) would be required to be paid to the City prior to certificate of occupancy issuance by the City on the Development Site. Impacts would be less than significant, and no mitigation measures are required. (Draft EIR section 4.19.6.1)

Wastewater. As the Development Site is currently vacant, uses developed as part of the Development Project would increase wastewater generation. On-site infrastructure would be required for the Development Site to be completed. The Banning Wastewater Reclamation Facility (WRF) is currently operating at 57.1 percent of its daily intake capacity. As wastewater conveyance infrastructure already exists in the SLB Extension and along PAs 12 and 14, installation of wastewater conveyance infrastructure is required to be constructed to connect the Development Project with existing City conveyance infrastructure. (Draft EIR Section 4.19.6.1). Sanitary services during construction would be provided by portable restroom facilities, which transport waste off site for treatment and disposal. Therefore, during construction, potential impacts to wastewater treatment and wastewater

conveyance infrastructure would be less than significant, and no mitigation measures are required. Industrial and General Commercial uses would be developed as part of the Development Project. The Development Project would result in an increase in wastewater generation during operation. The estimated increase in wastewater associated with the buildout of the Development Project would represent 23.5 percent of the Banning WRF's remaining daily intake capacity. The increase in wastewater generated by the uses associated with the Development Project can be accommodated within the existing design capacity of the Banning WRF. Therefore, the Development Project would not require, nor would it result in, the construction of new wastewater treatment or collection facilities or the expansion of existing facilities other than those facilities to be constructed on the Development Site. (Draft EIR section 4.19.6.1)

Stormwater Infrastructure. Buildout of the Development Project would substantially increase impervious surfaces on the site with street, access drives, paved parking areas, and building footprints (including the reverse osmosis facility). Landscaped slopes, undeveloped open space, open space occupied by a park, landscaped parking medians, and landscaped areas around buildings would be incorporated into each PA of the Development Project to reduce the overall number of impervious surfaces. To accommodate the increase in stormwater flows generated by the Development Project, the Development Site has been segmented into 13 Drainage Management Areas. The Development Project would include the installation of storm drainpipes, reinforced concrete pipes (RCP) ranging in size from 12 inches to 42 inches in diameter, and 15 on-site Water Quality Management Plan basins (stormwater basins) where stormwater from the uses on the site would be stored before flowing off site into downstream stormwater receivers. Two 10-foot by 100-foot reinforced concrete box (RCB) culverts would be developed for the Lincoln Street crossings of the Pershing Wash and Smith Creek drainages. The drainage system would route the runoff from the proposed impervious surfaces to the 15 on-site stormwater basins for treatment and peak flow mitigation for their respective tributaries via RCP facilities. Per City of Banning Ordinance #1415, the Development Project is required to retain 100 percent of stormwater from a 100-year, 3-hour storm event. The 100-year, 3-hour flood volume anticipated to be generated by the Development Project totals 2,797,246 cubic feet (ft_3), and the on-site stormwater system includes development of basins with a total volume of 5,193,324 ft_3. As such, the Development Project would incorporate an adequate on-site stormwater infrastructure system. Overall, the peak discharge of stormwater generated by the Development Project would not adversely affect the capacity of downstream networks, and construction or expansion of off-site stormwater drainage facilities would not be required. Therefore, impacts to stormwater infrastructure would be less than significant, and no mitigation would be required. (Draft EIR section 4.19.6.1)

Electricity Infrastructure. Construction would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating. Energy required for these activities would be supplied either through petroleum fuels (e.g., diesel and gasoline for on-site generation) or the extension of power to the Development Site from existing electrical systems. Due to the limited duration (estimated at 51 months) and phased nature of construction, the amount of electricity required is not anticipated to exceed that required during Project operation. The Development Project operations would require 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity per year. As total electricity consumption in the BEU service area in 2022 was 151.5 GWh, the Development Project electric demand represents approximately 16.9 percent of existing electricity consumption within the

BEU service area and 0.14 percent of current electrical demand in Riverside County. Approximately 1 acre within the Development Site, at the northwest corner of Planning Area, has been identified by the BEU as a potential site for development of an electric substation to be developed by the BEU to support projected long-term growth anticipated by the City's existing General Plan. The extension of electrical infrastructure to/through the Development Site and individual buildings (including any future electrical substation or battery storage use) would conform to applicable design, construction, and maintenance requirements established by the BEU. As the Development Project would not increase demand on electrical systems beyond existing network capacity; a less than significant impact would occur. (Draft EIR section 4.19.6.1)

Natural Gas Infrastructure. A natural gas pipeline crosses the northern half of the Development Site and is marked by signs and exposed where the pipeline crosses the natural drainages that exist on the site. Natural gas distribution services would be extended through all on-site streets and surface parking lots to which the Development Project would connect. The applicant would be responsible for construction connections to these distribution facilities and the backbone distribution systems for the Development Project. Construction activities would not impact natural gas services, and the Development Project would not require new or physically altered gas transmission facilities. Operation of the uses on the Development Site would result in increased demand for natural gas. Because the Development Project would only represent a small fraction of natural gas demand in Riverside County, the uses of the Development Project would not exceed Title 24 requirements, and there would be sufficient natural gas supplies available. As such, natural gas demand for the Development Project at buildout would be less than significant. No mitigation would be required. (Draft EIR section 4.19.6.1)

Telecommunications. Telephone, cable, and internet services are located along the perimeter of the Development Site and would be extended into the site. Additionally, cable box locations would be carefully planned and coordinated with utility providers and the landscape architect to be unobtrusive and screened from public view where possible. Impacts associated with the relocation or construction of new or expanded telecommunication facilities would be less than significant, and no mitigation measures would be required. (EIR Section 4.19.6.1)

3.17.2 Threshold 4.19.2

Impact Statement: The Development Project would have sufficient water supplies available to serve the Development Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Findings

Potential impacts of the Development Project related Threshold 4.19.2 are discussed in detail in Section 4.19.6.2 of the EIR. The City finds that the City has a sufficient water supply to serve the Development Project and reasonably foreseeable future development during normal, dry, and multiple dry years and that development of the Development Project will result in less than significant impacts related to Threshold 4.19.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project, at buildout, would demand approximately 949,600 gallons of water per day or 1,060 acre-feet of water annually. According to the City's *2020 Urban Water Management Plan* and the *Water Supply Assessment* prepared for the Development Project, the City has projected a water surplus during normal, dry, and multiple-dry years through 2045. The increase in potable water demand as a result of Development Project buildout (1,060 acre-feet/year) would represent a small portion (1.89 percent[3]) of the City's protected water supply in 2025 under the worst-case scenario. Under the worst case condition (2045, multiple dry year), adequate water supplies still exist to serve the Development Project and the water demand for population/land use forecast in the UWMP; the Development Project would not necessitate new or expanded water facilities, and the City would be able to accommodate the increased demand for potable water. In addition, in 2022, SGPWA entered into a 20-year Agreement with the City of San Buenaventura (Ventura) and the Casitas Municipal Water District (Casitas). Together, the City of Ventura and the Casitas Municipal Water District have a combined Table A water allocation of 20,000 acre-feet. Ventura and Casitas do not plan to take direct delivery of their respective Table A water. The Ventura Water Agreement allows SGPWA to purchase water from Ventura and Casitas through its contractual arrangement. Of the 20,000 acre-feet total Table A allocation, the agreement allows for SGPWA to receive up to 10,000 acre-feet in addition to the existing 17,300 acre-feet Table A allocation for SGPWA. The City can expect to receive additional water from SGPWA because of its contract with Ventura. This additional water will increase the amount of water that the City has available for groundwater recharge and will be able to extract from storage for future use. As the City would have sufficient water supplies available to serve the Development Project and existing and reasonably foreseeable and planned future development during normal, dry, and multiple dry years, project impacts are less than significant. (EIR Section 4.19.6.2; Final EIR Section 4.19.3.1).

3.17.3 Threshold 4.19.3

Impact Statement: The Development Project would result in a determination by the wastewater treatment provider which serves or may serve the Development Project that it has adequate capacity to serve the Development Project's projected demand in addition to the provider's existing commitments.

Findings

Potential impacts of the Development Project related Threshold 4.19.3 are discussed in detail in Section 4.19.6.3 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.3; therefore, no mitigation is required.

Substantial Evidence

Development Project buildout would increase wastewater generation above and beyond what is currently being generated on the vacant land. The Development Project, once operational, is estimated to generate approximately 352,920 gallons of wastewater per day, which represents 23.5 percent of the Banning WRF's remaining daily intake capacity. With existing wastewater flows and Development Project wastewater flows, the WRF would continue to operate below its daily intake

[3] 1,060 acre-feet/year/56,298 acre-feet/year *100 = 1.89 percent.

capacity without improvements to the existing WRF or development of a new WRF in the City. Impacts would therefore be less than significant, and no mitigation measures are required. (EIR Section 4.19.6.3).

3.17.4 Threshold 4.19.4

Impact Statement: The Development Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Findings

Potential impacts of the Development Project related Threshold 4.19.4 are discussed in detail in Section 4.19.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.4; therefore, no mitigation is required.

Substantial Evidence

The City of Banning contracts with Waste Management, Inc. for solid waste collection service from residential, commercial, and industrial uses within the City's limits. Solid waste collected in the City is disposed of at three landfills serving the City: Badlands Sanitary Landfill, Lamb Canyon Sanitary Landfill, and El Sobrante Landfill. As the Development Site is vacant, solid waste generation due to demolition of existing structures would not occur. However, construction of the Development Project would still have the potential to generate nominal amounts of solid waste which would either be recycled or disposed of at one of the local three landfills serving the City. The amount of daily waste generated during construction is less than that occurring during operation of the proposed uses at Project buildout. Once operational and built-out, the Development Project would generate more solid waste than what is being generated under existing conditions. Based on solid waste generation rates gathered from CalRecycle, the Development Project is estimated to generate 29,317 pounds of solid waste per day or 14.66 tons of solid waste per day once operational. However, this is a worst case scenario and represents 0.1466 percent of the daily maximum combined intake of the three landfills serving the Development Site or 0.000038 percent of the remaining combined capacity of the three landfills serving the Development Site. Consistent with State diversion rate goals, the Development Project would implement a diversion rate of 75 percent of the solid waste generated daily once operational, and is anticipated to divert 10.995 tons of solid waste daily for recycling. The Development Project would therefore be served by three landfills with sufficient permitted capacity to accommodate its solid waste disposal needs during construction and operation of the proposed on-site uses and would attain state solid waste reduction goals. (EIR Section 4.19.6.4).

3.17.5 Threshold 4.19.5

Impact Statement: The Development Project would comply with federal, state, and local management and reduction statutes and regulations to solid waste.

Findings

Potential impacts of the Development Project related Threshold 4.19.5 are discussed in detail in Section 4.19.6.5 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.5; therefore, no mitigation is required.

Substantial Evidence

The state's focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The current diversion requirement is 75 percent of solid waste generated. The Development Project would generate 29,317 pounds of solid waste per day or 14.66 tons of solid waste per day once operational. The Development Project is anticipated to divert 10.995 tons of solid waste daily for recycling. The Development Project would implement a diversion rate of 75 percent of the solid waste generated daily; therefore, up to 7,330 pounds (or 3.665 tons) would be transported to area landfills daily (1,338 tons per year). To comply with State requirements to reduce the volume of solid waste through recycling and reuse of solid waste, the City's per capita disposal rate must meet the target established by CalRecycle of 6.1 pounds/person/day for residents and 30.4 pounds/person/day for employees. The City currently meets this target. The Development Project would add 5,993 new jobs; therefore, with a daily waste generation rate of 7,330 pounds per day for 5,993 employees, the Development Project employee disposal rate would decrease to 13.4 pounds/person/day. Therefore, the Development Project would comply with federal, state, and local statutes and regulations related to solid waste. (EIR Section 4.19.6.5).

3.18 WILDFIRE

Project impacts for CEQA Wildfire do not result in significant impacts and findings are discussed below.

3.18.1 Threshold 4.20.1

Impact Statement: The Development Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Findings

Potential impacts of the Development Project related Threshold 4.20.1 are discussed in detail in Section 4.20.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.1; therefore, no mitigation is required.

Substantial Evidence

According to the Banning General Plan Emergency Preparedness Element, the City does not have established evacuation routes, although depending on the location and extent of an emergency, major surface streets would be utilized to route traffic through the City onto Interstate 10 to exit the region. A Fire Protection Plan (FPP) has been prepared for the Development Site to evaluate and identify the potential fire risk associated with the Development Project's land uses and to identify requirements for water supply, fuel modification and defensible space, access, building ignition and fire resistance, and fire protection systems, among other pertinent fire protection criteria.

During construction, all large construction vehicles entering and exiting the Development Site would be guided by personnel using signs and flags to direct traffic. The Development Site does not include any characteristics that would physically impair or otherwise interfere with emergency response or evacuation in its vicinity. Construction of the Development Project may require temporary lane closures on Sunset Avenue, Highland Home Road, and Bobcat Road to allow for utility connections.

Temporary closures may also occur on Sunset Avenue between Interstate 10 and Lincoln Street, Sunset Avenue between Lincoln Street and Bobcat Road, Lincoln Street, Bobcat Road, and Highland Home Road due to improvements to the surrounding circulation system. These temporary lane closures/road closures would be implemented with the recommendation of the *California Temporary Traffic Control Handbook,* which, among other things, recommends early coordination with affected agencies to ensure that emergency vehicle access is maintained. Police protection services within the City are provided by the Banning Police Department and fire protection services are provided through a contractual agreement with the RCFD, which in turn contracts with CAL FIRE. The City and/or fire protection authority may identify requirements to maintain necessary access by law enforcement providers through evacuation (as necessary) from construction zones. Requirements may include (but would not be limited to): advance notification to motorists and emergency service providers; identification or installation of appropriate detour/access routes; use of signage, traffic control features, or flag persons during construction activities to facilitate access; restrictions on the duration/timing of construction activities; and/or scheduling/phasing of construction activities to avoid/minimize changes in public access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site. (See substantial evidence for Threshold 4.15.1). In this manner, officials would be able to plan and respond appropriately to direct the public away from Sunset Avenue, Lincoln Street, Bobcat Road, and Highland Home Road, as appropriate, in the event of an emergency requiring evacuation. Therefore, because the Development Project would involve early coordination with affected agencies and emergency service personnel. Temporary lane closures/road closures would be implemented with the recommendation of the California Temporary Traffic Control Handbook, which, among other things, recommends early coordination with affected agencies to ensure that emergency vehicle access is maintained. Because the Development Project would involve early coordination with affected agencies and emergency service personnel, the Development Project would not substantially impair an adopted emergency response plan or emergency evacuation plan during construction activities.

According to the Traffic Impact Report, the operation of the Development Project is not anticipated to result in any substantial queuing along Sunset Avenue, Bobcat Road, Highland Home Road, or other nearby roads. The City of Banning General Plan, as indicated above, has not established evacuation routes within the City; however, all roads within the City could be used as evacuation routes in the event of an emergency. For the Development Site, the main corridor utilized would be Sunset Avenue. The Development Project would provide general and emergency access via Sunset Avenue. Sunset Avenue provides access to the Development Site via “Street A,” Lincoln Street, and the SLB Extension. All roadways and structures within the Development Site would be developed in accordance with City and RCFD emergency access standards. The Development Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Development Site for emergency vehicles. The Fuel Modification Plan

(FMP) for the Development Project would be implemented to provide greater protection to buildings and occupants of the Development Project and to reduce risk of fires. The FPP and FMP prepared specifically for the Development Project would conform to City and RCFD standards and facilitate effective emergency response and operation. Regulatory Compliance Measure (RCM) Fire-1 (Draft EIR Section 4.20.6.1) requires the Development Project to implement and adhere to the FPP and its wildfire reduction measures. Therefore, construction and operation of the Development Project would not physically interfere with or impair an adopted emergency response or emergency evacuation plan. (EIR Section 4.20.6.1).

3.18.2 Threshold 4.20.2

Impact Statement: The Development Project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Findings

Potential impacts of the Development Project related Threshold 4.20.2 are discussed in detail in Section 4.20.6.2 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.2; therefore, no mitigation is required.

Substantial Evidence

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread up-slope and slower fire spread down-slope in the absence of wind. The Development Site is on relatively flat undeveloped parcels with several seasonal natural drainages that drain to Smith Creek, which traverses the western portion of the Development Site, and eventually drain to the San Gorgonio and Whitewater Rivers. Fires can be an issue in the City and County during summer and fall, before the rainy period, especially during dry Santa Ana wind events. The seasonal Santa Ana winds can be particularly strong in the Development Site area. Santa Ana winds may gust up to 75 mph or higher thereby drying out and preheating vegetation as well as accelerating oxygen supply, and thereby making possible the burning of fuels that otherwise might not burn under cooler, moister conditions.

Wildfires may potentially occur in open space areas adjacent to the Development Site, or in on-site undeveloped open space. Under existing conditions, the Development Site includes numerous potential fire hazards, including unmaintained, fire-prone vegetation. The types of potential ignition sources that currently exist in the surrounding area include vehicles, residential neighborhoods, as well as arson. The existing physical condition poses as a challenge for fire protection to the surrounding communities because of grassland fuels, Santa Ana winds, high temperatures, and/or firefighter exposure. The Development Project would include conversion of approximately 80 percent of the Development Site to maintained urban development with designated landscaping and FMZs (a strip of land where combustible vegetation has been removed and/or modified and partially or totally replaced with more adequately spaced, drought-tolerant, fire-resistant plants to provide a reasonable level of protection to structures from wildland and vegetation fires).

The Development Project would introduce new potential ignition sources in the form of building materials (e.g., wood and stucco), vegetation for landscaping, vehicles, and small machinery (e.g., for typical commercial and landscape maintenance), but would also result in a large area separating ignition sources from native fuels as well as the conversion of existing ignitable fuels to maintained landscapes that are ignition resistant. Therefore, the Development Site would function as a fuel reduction area by helping create context-sensitive development and a new first-fuel break line of defensible space. The Development Project proposes FMZs ranging from a minimum of 100 feet to 200 feet, twice the required distance, or provides alternative measures to meet the intent of the FMZ requirement. In addition, the Development Project is required to implement regulatory compliance measures set forth in RCM FIRE-1 which would require compliance with the regulations of the most recently adopted CFC and CBC to avoid potential impacts from the Development Site's potential to exacerbate wildfire risks, and thereby reduce exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (EIR Section 4.20.6.2).

3.18.3 Threshold 4.20.3

Impact Statement: The Development Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Findings

Potential impacts of the Development Project related Threshold 4.20.3 are discussed in detail in Section 4.20.6.3 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.3; therefore, no mitigation is required.

Substantial Evidence

Utility and infrastructure improvements included as part of the Development Project are discussed in Chapter 3.0 and analyzed in Section 4.19 of this EIR. Potable, recycled water, and wastewater infrastructure would be installed on the Development Site and improvements to existing infrastructure in surrounding roads would occur. Existing overhead power lines surrounding the Development Site would be undergrounded and connected to buildings developed as a part of the Development Project. The Development Project would include a new internal circulation system and would also include improvements to surrounding roads. None of these features would exacerbate fire risk or result in temporary or ongoing impacts to the environment. Although utilities, including water facilities, sewer facilities, storm drain lines, and power lines, would be modified and/or extended throughout the Development Site, these improvements would be underground and would not exacerbate fire risk.

The installation of on-site utilities, on-site circulation system, and off-site road improvements would not exacerbate fire risk due to the Development Site's location in an urban area outside of a designated fire hazard zone. The Development Site is not located in an area statutorily designated as a Moderate, High, or Very High Fire Hazard Severity Zone by CAL FIRE or Riverside County. The Northern Portion of the Development Site is accurately designated as LRA Non-VHFHSZ, while the Southern Portion of the Development Site is designated SRA Non-FHSZ.

The proposed electrical substation would be developed and operated by the City in compliance with regulations set forth by Cal/OSHA and the National Electrical Safety Code (NESC). The reverse osmosis facility and potable water reservoir would be developed and operated by the City in compliance with standards as set forth by the City of Banning Water and Wastewater Department. These facilities would be remotely operated and monitored and include fire suppression features (i.e., sprinklers, defensive space, and fire alarms) that would reduce the exacerbation for fire risk. The location of the electrical substation, in an industrial use area of the Development Site, would also reduce the risk of wildfire exacerbation as this facility would not be located in Open Space areas occupied by natural vegetation. A short stretch of transmission line (0.9 mile long), currently located in an open area south of the I-10 Freeway between Sunset Avenue and South Highland Home Road, is identified as an area of Tier 2 threat (areas of elevated risk for destructive utility-associated fires). However, Banning Electric Utility (BEU) meets or exceeds the minimum industry standard management practices for safety. Implementation of the City-sponsored public infrastructure and facilities on the Development Site would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. The City-sponsored infrastructure and facilities will be constructed, operated, and maintained pursuant to required fire protection requirements for utility facilities, and the potential for increased fire risk from these facilities would be less than significant. (EIR Section 4.20.6.3).

3.18.4 Threshold 4.20.4

Impact Statement: The Development Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Findings

Potential impacts of the Development Project related Threshold 4.20.4 are discussed in Section 4.20.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.4; therefore, no mitigation is required.

Substantial Evidence

After a wildfire passes through an area, post-fire hazards can occur based on conditions of the topography and susceptibility to flooding. Post-fire landslide hazards include fast-moving, highly destructive debris flows that can occur in the years immediately after wildfires in response to high intensity rainfall events.

The Development Site is situated on a relatively flat undeveloped area with several seasonal natural drainages that drain to Smith Creek, which traverses the western portion of the Development Site, and eventually to the San Gorgonio and Whitewater Rivers. The topography surrounding the Development Site is also relatively flat. According to the California Department of Conservation, no landslides have been inventoried on or adjacent to the Development Site; however, the Development Site is susceptible to deep-seated landslides which would not be susceptible to immediate impact from wildfires. The Development Project would be required to comply with the measures of the approved FPP and FMP. In the extremely unlikely event that a wildfire should spread to the Development Site, it would not expose any on-site slopes to erosion and potential failure because the Development Site does not contain any steep slopes that are prone to landslide.

The Development Site is located on FIRM Panel 06065C0816G and portions of the Development Site are designated as Flood Zone A based on the existing natural drainages that cross the Development Site. A fire north of the Development Site could trigger increased downstream sediment movement, which could raise the elevation of potential flooding along the natural drainages in the Development Site. The design of the Development Project considers such events and would be developed in accordance with standards and Best Management Practices (BMPs) that would reduce flooding and post-fire flows (Refer to Section 4.10.4 of the Draft EIR for regulatory discussion regarding flood, and Section 4.10.6.3 of the Draft EIR for discussion on Development Project-specific regulatory compliance measures (RCMs) and best management practices (BMPs) regarding flood) and would adhere to the FPP and FMP approved by the City and RCFD. Compliance with these plans would reduce the likelihood of urban conflagration on the Development Site in the unlikely event of a wildfire.

In the unlikely event that a wildfire should spread to the Development Site, it is not expected that the Development Project would contribute any additional runoff or sedimentation to the on-site natural drainages or other downstream drainages. This is due to the lack of steep slopes prone to landslide or erosion on the Development Site, and the fact that the drainage improvements would remain intact after a major wildfire, allowing them to continue to reduce the potential for flooding conditions in downstream storm drain facilities. Therefore, downslope, or downstream flooding as a result of runoff, post-fire slope instability, or drainage changes are unlikely to expose occupants or structures on the Development Site to significant risks. (EIR Section 4.20.6.4).

4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds that the following potential impacts associated with the implementation of the Development Project are less than significant with the imposition of mitigation measures.

4.1 BIOLOGICAL RESOURCES

Project impacts for CEQA Biological Resources Thresholds 4.4.1, 4.4.2, 4.4.5, and 4.4.6 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.1.1 Threshold 4.4.1

Impact Statement: The Development Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Findings

Potential impacts of the Development Project related to Threshold 4.4.1 are discussed in detail in Section 4.4.6.1 of the Draft EIR and Final EIR. The City finds that mitigation measures MM BIO-1 through BIO-16 are feasible, adopted, and would reduce impacts to less than significant levels.

Substantial Evidence

A number of criteria, sensitive, or special-status plant and animal species have the potential to occur on the Development Site. Burrowing owl and Los Angeles pocket mouse have been observed on the Development Site, and sensitive fairy shrimp species, Marvin's (Yucaipa) onion, and many stemmed dudleya have been observed and documented in the vicinity of the Development Site, though not on the Development Site. No other criteria, sensitive, or special-status species identified in local or regional plans, policies, or regulations, or identified by the CDFW or USFWS have been identified on the Development Site. Other special-status plant species identified in the General Plan as having potential to occur in the vicinity of the Development Site were not observed during surveys and were determined to be unlikely to occur due to habitat conditions at the Development Site.

The Development Site is located within the boundaries of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is mapped within an MSHCP Burrowing Owl Survey Area. The habitat on the Development Site has been altered due to agricultural operations and regular disking, therefore, a majority of the vegetation communities present on site are disturbed. Construction at the Development Site would permanently impact the occupied colony, resulting in a direct impact to the colony. During construction, noise, dust, and vibration would directly impact the known colony on the southeast portion of the Development Site. Additional surveys, including pre-construction surveys, would need to be conducted to determine occupancy of the known colony and identify active or passive relocation sites either on the Development Site or at the adjacent MSJC Site. Impacts would be minimized and mitigated through mitigation measures MM BIO-7 and MM BIO-8 approved by the appropriate agencies as identified below.

Results of surveys identified only the common versatile fairy shrimp, which is not listed as a state or federally threatened or endangered species, nor is it a special-status species. Therefore, no impacts would occur to listed fairy shrimp species or species identified and covered by the MSHCP, and no mitigation or avoidance is required.

Los Angeles pocket mouse were detected at drainages within the Development Site during the 2002 and 2005 surveys, and again during surveys conducted in 2020 in limited upland areas of the Development Site. With the exception of 40.5 acres of drainages and their immediately adjacent uplands (Open Space – Resource), MSHCP designated Los Angeles pocket mouse habitat on the Development Site would be directly affected by the Development Project, including all areas where LAPM populations were identified during the 2020 surveys. These effects will be reduced through mitigation measures MM BIO-1 through MM BIO-6, MM BIO 9, and MM BIO-12.

While upland habitat throughout the Development Site will be permanently and irreversibly impacted by the Development Project, as discussed above, no candidate or sensitive species occur in these areas. Burrowing owl and Los Angeles pocket mouse are both designated as species of concern by CDFW and are known to occur in these areas. No federally or State listed endangered or threatened species or special-status plant or amphibian species occur within the Development Site. No special-status fairy shrimp species occur within the Development Site, though the common versatile fairy shrimp does occur in seasonal pooling locations throughout the Development Site. As a result, no impacts with respect to these categories of species would occur. However, as discussed below, both the burrowing owl and LAPM are California Species of Concern. Mitigation measures MM BIO-1 through MM BIO-16 would reduce potential impacts to candidate, sensitive, or special-status species present on the Development Site through habitat preservation or enhancement, active or passive relocation, and compliance with the DBESP regulations and MSHCP BMPs. Along with these mitigation measures, impacts to burrowing owl and LAPM would be further reduced through the permanent conservation of riparian/riverine lands on site (7.92 of 8.99 acres) as well as a surrounding upland area buffer of approximately 32.58 acres. To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). (EIR Section 4.4.6.1).

Mitigation Measures

Based upon the analysis presented in Section 4.4, Biological Resources of the Draft EIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant:

MM BIO-1 **Construction Guidelines.** Construction activities will follow the Construction Guidelines found in Volume 1, Section 7.5.3 of the MSHCP.

MM BIO-2 **Equipment Staging.** Equipment and vehicle storage, fueling, and material staging and storage will be in previously paved or previously disturbed, upland areas with no risk of direct drainage into riparian/riverine areas or other sensitive habitats. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into riparian/riverine areas. Development Project related spills of hazardous

materials shall be reported to appropriate entities and shall be cleaned up immediately with contaminated soils removed to approved disposal areas.

MM BIO-3 **Worker Environmental Awareness Program (WEAP).** A qualified biologist will present to each Development Site employee a worker environmental awareness training prior to the initiation of work. They will be advised of the riparian/riverine resources and any other sensitive environmental resources in the Development Project area, the steps to avoid impacts to such, and the potential penalties for violating those steps. At a minimum, the program will include the following topics: occurrence of the sensitive biological resources in the Development Project area and their general ecology, sensitivity of such to human activities, legal protection afforded these species, penalties for violations, reporting requirements, and Development Project features designed to reduce the impact area. A sign-in sheet will be utilized to identify all workers that have completed the WEAP training. If additional employees are added to the Development Project after the initiation, they will receive instruction prior to working on the Development Project. They will also need to sign the sign-in sheet to provide proof of completion. For some projects with numerous contractors entering the project at different stages of the project, the WEAP training can be video-taped and shown to additional workers rather than completing the training in person.

MM BIO-4 **Materials and Spoils Control.** Development Project materials will not be cast from the Development Site, and Development Project related debris, spoils, and trash will be contained daily and removed to a proper disposal facility.

MM BIO-5 **Vehicle Washing.** It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.

MM BIO-6 **MSHCP Best Management Practices (BMPs).** Development Project activities will be in compliance with BMPs, as applicable, detailed in MSHCP *Volume 1, Section 7.5.3,* and *Appendix C* of the MSHCP. The Project Determination of Biologically Equivalent or Superior Preservation (DBESP) would provide regulations consistent with the MSHCP BMPs, and the Development Project shall comply with all DBESP regulations.

MM BIO-7 **Burrowing Owl Impacts.** To avoid direct and indirect impacts to burrowing owl, a pre-construction survey shall be conducted in areas to be disturbed by a qualified biologist within 30 days prior to ground disturbance at the Development Site and submitted to the City. If construction activities occur during the breeding season (February 1 through August 31) and burrowing owl is determined to be present within any portion of the study area during the pre-construction survey, consultation with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) shall take place, and no construction activity shall take place within a 300-foot buffer zone. This buffer area may be reduced at the discretion of the

biological monitor in consultation with CDFW and/or USFWS, until it has been determined that the nest/burrow is no longer active and all juveniles have fledged the nest/burrow.

To avoid active nests, no grading or heavy equipment activity shall take place in the buffer zone during the breeding season (February 1 through August 31). If construction activities cannot avoid the nesting season and an occupied burrow is identified in a proposed development area, the burrows shall be avoided or the owls passively relocated. A Burrowing Owl Protection and Relocation Plan will be required and is included under **MM BIO-8**.

MM BIO-8 **Burrowing Owl Protection and Relocation Plan.** Within 90 days of the commencement of grading, a Burrowing Owl Protection and Relocation Plan would be drafted and reviewed by CDFW to ensure MSHCP guidelines for protection and/or relocation are followed. As part of that plan, one-way doors shall be installed as part of a passive relocation program. Burrowing owl burrows shall be hand-excavated by a qualified biologist when determined to be unoccupied and backfilled to ensure animals do not re-enter. Disturbance to active burrows shall be minimized to the extent feasible.

If three or more pairs of burrowing owl are identified, MSHCP guidelines require additional conservation land be set aside to off-set the significant impacts to burrowing owl in a project site outside of a cell criteria area. In all scenarios, including the detection of additional burrowing owls, mitigation and equivalency will be achieved through the Development Project following all MSHCP guidelines and the direction of the Environmental Programs Department, Western Riverside County Regional Conservation Authority, and/or the Wildlife Agencies.

MM BIO-9 **Los Angeles Pocket Mouse.** Prior to commencement of grading, nighttime trapping surveys will occur in areas within the known habitat and other areas providing the key constituent habitat elements based on historical surveys and those conducted for the Development Project, in riparian areas (the three identified drainage features) and adjacent upland habitat that will be permanently impacted by the Development Project. An exclusion fence will be installed along the perimeter of the construction footprint associated with the drainage crossings. Trapping and relocation of LAPM shall be performed immediately prior to grading or other construction on the Development Site within areas known to be occupied by LAPM within the existing drainage features and/or uplands. Where new roads cross the riparian corridors, undercrossings suitable for safe passage of wildlife will be constructed. The exclusion fencing will be monitored through construction activities within suitable habitat to ensure animals do not return.

Restoration of a total of 3.21 acres of Development Site riparian habitat may bring project related impacts to a level that allows for 90 percent conservation of suitable habitat within the Development Site. Mitigation and equivalency may be achieved through the conservation of 7.92 of 8.99 acres of riparian/riverine lands on the

Development Site as well as a surrounding buffer of approximately 32.58 acres, including the use of a deed restriction and/or conservation easement (see **MM BIO-15** below). As part of the restoration effort, all non-native invasive species, such as tamarisk, arundo, and pampas grass, will be removed prior to any seeding or planting of native species.

MM BIO-10 Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).

MM BIO-11 Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.

MM BIO-12 During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.

MM BIO-13 Mitigation for impacts to Riparian/Riverine areas covered under the MSHCP would be achieved by conserving all remaining riparian/riverine lands on the Project Site (7.92 of 8.99-acres) as well as a surrounding buffer of approximately 32.58-acres. These areas will be preserved in perpetuity through the use of a deed restriction and/or conservation easement as further described in MM BIO-15. To mitigate for Project impacts to 1.07-acre of riparian/riverine, a minimum of 3.21-acres of Project Site riparian habitat will be enhanced and restored (a 3:1 ratio for permanent impacts), with riparian habitat spread throughout all three features within the Project Site, for compliance with the requirements of the MSHCP. Non-native invasive species will be removed (enhancement) and native riparian species will be planted (restored) which will increase the function and value of the currently disturbed drainage features following mitigation. In the event that land on the Project Site cannot be conserved, then the applicant shall either (1) contribute land at a 3:1 ratio containing similar habitat and jurisdictional areas to the Reserve Assembly; or (2) make a fee payment to a mitigation bank pursuant to an in-lieu fee program at a 3:1 mitigation ratio.

MM BIO-14 If habitat mitigation on the Project Site or at land contributed by the applicant is the selected means of mitigation, then as part of the restoration effort, a Habitat Restoration and Monitoring Plan (HRMP) will be prepared by a qualified restoration consultant and will be reviewed and approved by the City prior to commencement of construction activities on the Project Site. The exact location of the proposed riparian restoration areas (whether on-site or off-site) will be provided to the City for review and approval. If off-site mitigation areas are selected, the applicant shall have control of the mitigation area prior to commencement of construction. However the off-site mitigation option is not anticipated at this time.

The HRMP shall provide a plan for removal of non-native invasive species (enhancement) and planting of native riparian species (restoration) which will increase the function and value of the currently disturbed drainage features following mitigation and will be designed to assure that installation of the proposed mitigation will result in an outcome that would be biologically equivalent or superior to an avoidance measure. The HRMP will include species information, success criteria and mapped location(s) for the proposed on-site riparian/riverine mitigation, and a habitat viability analysis for the proposed new areas of riparian vegetation and will also include:

- Removal of non-native invasive species, such as tamarisk (*Tamarix aphylla*), giant reed (*Arundo donax*), and castor bean (*Ricinus communis*);
- Removal of trash and debris associated with human disturbance will be removed.
- Planting of boxed riparian trees, container plantings, and hand broadcasting, with Riparian/Riverine species to be planted to match the existing riparian/riverine trees and include plant species such as Fremont cottonwood (*Populus fremontii*), Goodding's black willow, arroyo willow (*Salix lasiolepis*), and/or mule fat and, along the upland benches, planting of more upland species such as scale broom (*Lepidospartum squamatum*), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), brittlebush (*Encelia californi*ca), pinebush (*Ericameria pinifolia*), and deerweed (*Lotus scoparius*).
- Planting of plants with mycorrhizal fungi and root hormone to increase survivability. Following the installation of the plant material, mulch will be used at boxed trees and container plants for additional moisture and protection.
- Maintenance and monitoring for 5-years following the installation, to include:
    - Irrigation for the first three years, if feasible.
    - If instigated, removal of irrigation after year three to allow the plants to acclimate to existing climatic conditions during the last two years of monitoring, to ensure that the vegetation has long-term survivability.

- Monitoring by a qualified biologist quarterly for the first year, then annually for years two through five.
- A qualitative assessment will be completed by the qualified biologist and reported to the Wildlife Agencies, and will include Project Site specific photo locations and an aerial photograph (with drone) documenting vegetation progress.
- To determine if the restoration has been successful, minimum success criteria at the end of five years will be specified in the HRMP. If the minimum success criteria is not achieved, then the applicant shall be responsible for taking the appropriate corrective measures, as determined by a qualified restoration ecologist. Correction actions will continue until the success criteria have been met.

- A Weed Management Plan prepared by a qualified biologist and approved by CDFW will be prepared prior to commencing of grading on the Project Site setting forth best management practices (BMPs) to reduce the amount of non-native weedy species introduced into the Project during construction activities. The plan will focus on specific BMPs that will be used to reduce the risk of spreading non-native invasive seeds within the Project during construction, to include, but not limited to annual monitoring of sprouting vegetation in early spring, removing non-native invasive species, and utilizing water-wise native landscaping in the surrounding development areas. The purpose of the Weed Management Plan is to substantially reduce the potential for weeds to grow on-site and then monitor the Project Site and implement BMP so that weeds that do occur on-site can be removed before they go to seed.

MM BIO-15 A third-party conservation organization will be chosen to monitor and maintain all portions of the Development Site within the designated conservation area, as outlined in a conservation easement covering the drainage features and adjacent upland buffer zones adjacent to drainages. The conservation easement should be in place prior to or immediately following regulatory agency permits being issued. Additionally, any additional off-site land acquired for project mitigation, if any, will be incorporated into the managed land, with approval from relevant agencies such as the Western Riverside County Regional Conservation Authority, California Department of Fish and Wildlife, Regional Water Quality Control Board, and United States Fish and Wildlife Service. Although a designated organization has not been chosen, one will be selected and approved by the City before the project's implementation.

MM BIO-16 Sediment Transport and Scour Analysis: The Project proposes to construct concrete-lined box culverts at two drainage crossings on the Project Site. To avoid significant changes to downstream sediment transport and deposition, floodplain modification, and potential streambed aggradation or incision above and below each of the proposed stream crossings consistent with the Coachella Valley Multiple Species

Habitat Conservation Plan (CVMSHCP), the applicant shall prepare and submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval prior to construction of any drainage crossing on the Project Site. The sediment transport and scour analysis shall identify and compare pre- and post-crossing development of sediment transport and deposition, floodplain modification, and potential streambed aggradation and incision above or below each proposed drainage crossing to confirm that the Project would not have significant impacts on the CVMSHCP conservation sediment transport system strategy. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.

4.1.2 Threshold 4.4.2

Impact Statement: The Development Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Findings

Potential impacts of the Development Project related to Threshold 4.4.2 are discussed in detail in Section 4.4.6.2 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 and MM BIO 9 through MM BIO-16 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

Three main washes were identified within the Development Site that contained both bed and bank and an OHWM: Highland Wash, Pershing Creek, and Smith Creek. An unnamed ponded area in the southeast portion of the Development Site adjacent to Bobcat Road was also identified as containing jurisdictional waters. Under current Development Project design, approximately 7.92 of the approximately 8.99 acres of riparian habitat present on site would be preserved, as well as a surrounding buffer of approximately 32.58 acres. Approximately 1.07 acres of riparian habitat would be permanently impacted. Impacts to the drainages will be limited to road crossings. (EIR Section 4.4.6.2). Impacts to the drainages will be limited to road crossings. Implementation of Mitigation Measures MM BIO-1 through MM BIO-6 and Mitigation Measures MM BIO-9 through MM BIO-16, as well as compliance with applicable State and local policies and regulations as described in Section 4.4.4 above, would reduce impacts to less than significant.

Mitigation Measures

The Development Project would comply with all applicable local policies and regulations from the CDFW and USFWS. The Development Project as designed would preserve all habitat within the existing washes that cross the Development Site. As discussed, these wash habitats for candidate, sensitive, and special-status species would be preserved per mitigation measures MM BIO-10 through MM BIO-16. The City finds that implementation of mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-10 through MM BIO-16 would reduce impacts to less than significant.

4.1.3 Threshold 4.4.5

Impact Statement: The Development Project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings

Potential impacts of the Development Project related to Threshold 4.4.5 are discussed in detail in Section 4.4.6.5 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site lies within the MSHCP boundaries. The City's General Plan policies and programs include compliance with regional conservation plans, including the MSHCP. The City of Banning's General Plan is the guiding document for development within the City. The General Plan designates open space land uses within the City. The Development Project as designed, with mitigation applied, would comply with all applicable policies and ordinances protecting biological resources. While there are no policies in the City of Banning related to biological resources or tree ordinances, the Development Project is required to comply with Specific Plan development standards and design guidelines for lighting. Low-level security lighting may be provided for the park, tot lot playground, trails, parking lot, and restrooms. The trails and parking lot may include bollard lighting while the tot lot playground and restrooms may include security lighting. As a project design feature, lighting on the Development Site shall adhere to the following Development Standards: lighting shall be limited to that necessary to light the project site; no lighting source shall be visible; or shall be permitted to spill over to adjacent properties; lighting shall not be permitted which blinks, flashes, or is of unusually high intensity or brightness; all lighting fixtures shall not have a visible light source and must be shielded and directed downward and away from adjoining properties and public rights-of-way; lighting in commercial and industrial projects should be only the minimum required for safety and security; light standards should be limited to eighteen to thirty-four feet; lighting should be integrated into the structure's architecture to the greatest extent possible (refer to Section 3.1 of Appendix B, Specific Plan). In parking areas, the Specific Plan requires that adequate illumination for security and safety be provided in all parking areas. Lighting shall be energy efficient. Any illumination, including security lighting, shall be shielded, with visibility of light source eliminated and directed away from adjoining properties and public rights of way (refer to Section 3.1 of Appendix B, Specific Plan). The Specific Plan's Outdoor Lighting Guidelines (refer to Section 4.3.9 of Appendix B, Specific Plan) also indicate that the Development Site would minimize glare and "spill over" light onto public streets, open space, Interstate-10 and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other

means of illumination for structures, parking, loading, unloading, and similar areas. As a project design feature, night lighting will be directed away from the conserved areas to protect species within the conserved areas from direct night lighting. Shielding shall be incorporated in the Development Project designs to ensure that ambient lighting in the conserved areas is not increased. As a result, no impacts would occur.

Planning Area 12 contains 12.3 acres along the western portion of the Development Site intended to provide a buffer between the existing Sun Lakes Community to the west of the Development Site and the industrial development. This area may include soft trails and certain public facilities, but Planning Area 12 is not intended for mitigation purposes, and its development would not result in a conflict with any local policies or ordinances protecting biological resources. (EIR Section 4.4.6.5).

Mitigation Measures

Mitigation Measures MM BIO-1 through MM BIO-6 would ensure compliance with BMPs applicable policies and MSHCP guidelines to protect the three noted drainage features during construction and operation. Implementation of these mitigation measures would ensure the Development Project impacts are less than significant.

4.1.4 Threshold 4.4.6

Impact Statement: The Development Project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings

Potential impacts of the Development Project related to Threshold 4.4.6 are discussed in detail in Section 4.4.6.6 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-9 through MM BIO-16 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site lies within the boundaries of the Western Riverside County Multi-Species Habitat Conservation Plan and within MSHCP designated survey areas for burrowing owl and LAPM. However, it is not within a Criteria Area. The Development Site is not within an MSHCP designated amphibian survey area or CASSA for plants.

Burrowing owl and burrowing owl habitat occur on site and would be permanently affected by the development of the site. The MSHCP states, “If the site contains, or is part of, an area supporting less than 35-acres of suitable habitat or the survey reveals that the site and the surrounding area supports fewer than 3 pairs of burrowing owls, then the on-site burrowing owls would be passively or actively relocated following accepted protocols.” Because the site contains one active burrow with two individuals, this MSHCP guideline applies. If an active burrow is affected, and the individuals are actively or passively relocated, the Riverside County Transportation and Land Management Agency (Environmental Programs Department) (“RCTLMA EPD”) states, “In the event owls are observed on site, please contact the Environmental Programs Department (EPD) immediately to discuss potential

mitigation measures such as passive or active relocation." Per MM BIO-6 the Development Project would comply with all MSHCP guidelines regarding burrowing owl as part of the Development Project's regulatory compliance.

Los Angeles pocket mouse occur on site and within the adjacent study area. Surveys on site and in adjacent parcels within the BSA identified persistent populations of Los Angeles pocket mouse on site and throughout the BSA. The current design conserves most of the drainages and buffers of uplands around those drainages. These design features conserve at least 90 percent of the known habitat for Los Angeles pocket mouse, which meets MSHCP goals for protecting Los Angeles pocket mouse. (Draft EIR Section 4.4.6.5). Where new roads cross the riparian corridors, undercrossings suitable for safe passage of wildlife and allowing continued downstream sediment transport will be constructed to provide for long-term conservation of the riparian/riverine resources which are being avoided and their associated functions and values for the Development Site features as well as down-stream conservation areas associated with the sediment transport system. Since the majority of the drainages on-site are unvegetated sandy bottom features and the crossings will be desired to allow for wildlife movement, the overall biological value of the drainage features will not be affected by the Development Project. As further discussed in Section 4.10.6.3, with MM BIO-16 and MM HYD-1 and MM HYD-2, construction of Lincoln Street draining crossings for the Development Project will not divert or change the overall function of the drainage and potential impacts from sediment transport on the CVMSHCP Plan Area downstream of the Development Site and impacts would be less than significant.

Mitigation Measures

The Development Project complies with all applicable guidelines from the MSHCP. Mitigation Measure MM BIO-6 addresses the RCTLMA EPD guidance and further ensures impacts from the Development Project on burrowing owls are less than significant.

While current design of the Development Project conserves at least 90 percent of known Los Angeles pocket mouse habitat, satisfying MSHCP goals for Los Angeles pocket mouse protection, mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-9 through MM BIO-16 would ensure that the Development Project complies with all applicable MSHCP guidelines, to ensure MSHCP coverage for the Los Angeles pocket mouse.

4.2 CULTURAL RESOURCES

Project impacts for CEQA Cultural Resources Thresholds 4.5.1 and 4.5.2 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.2.1 Threshold 4.5.1

Impact Statement: The Development Project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines.

Findings

Potential impacts of the Development Project related to Threshold 4.5.1 are discussed in detail in Section 4.5.6.1 of the EIR. Although no known historic resources are located on the Development Site,

the potential exists for Project-related ground-disturbing activities to result in a direct impact to historic resources should such resources be discovered during Project-related ground-disturbing activities. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The record searches and field surveys that were conducted on the Development Site revealed two previously recorded historic resources within the boundary of the Development Site. Site P-33-013778 contains historic ranch foundations/features, and Site RIV-7544 consists of historic erosion control feature(s)/water conveyance systems. Additional, previously unrecorded features of Site RIV-7544 were discovered during the field survey conducted on the Development Site between August 31 and September 2, 2020. Both of these historical resources (including the additional features found on the Development Site as part of RIV-7544) were re-evaluated to determine if either one would meet the criteria for listing on the NRHP or CRHR.

The results of the re-evaluation for Sites P-33-013778 and RIV-7544 have confirmed the previous assessment of the potential historic resources as not significant under Section 106 or CEQA criteria and ineligible for listing on the NRHP or CRHR. As such, the implementation of the Development Project would not cause a significant impact to Site P-33-013778 or Site RIV-7544, as the resources do not retain sufficient integrity, do not retain further research potential, are not significant under any State or local criteria, and are not eligible for the NRHP or CRHR. Feature 36 associated with Site RIV-7544 on the Development Site contained very sparse scatters of clam, oyster, and scallop shell fragments. Based upon the lack of any observable prehistoric material, such as flakes, milling stones, or other artifacts, it was determined the shell scatter was representative of recent or historic refuse and not associated with any prehistoric occupation of the area. No other historical or archaeological resources were discovered on the Development Site, nor were any previously recorded on the Development Site. (EIR Section 4.5.6.1).

Mitigation Measures

Although no significant historical resources have been identified following earlier and current studies of the Development Site, there still remains the potential that other unobserved resources may exist within the Development Site due to the identification of multiple resources within the Development Site, the dense vegetation and other constraints that inhibited ground visibility during the survey of the Development Site, and the presence of multiple natural sources of water which extend through the Development Site. Implementation of the following mitigation measures would reduce the Development Project's potential impacts to archaeological and historical resources to a less than significant level.

The following mitigation measures would be implemented to reduce potential impacts to undiscovered historical resources during construction of the Development Project:

MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. The monitor shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training

"Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

MM CUL-2 The qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing, and responsibility of all archaeological and cultural resource activities that occur on the Development Site, in coordination with the Consulting Tribe(s).

MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities in accordance with MM CUL-5 to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health and Safety Code Section 7050.5 and Public Resources Code (PRC) Section 5097.98. In the event human remains are found and identified as Native American, the applicant shall also notify the City Planning Department so that the City can ensure PRC Section 5097.98 is followed.

MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-foot buffer of the discovery) or shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist. A treatment plan shall be developed by a qualified archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:

- A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. Reburial shall not occur until all cataloguing, analysis, and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a final report.

- Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to

be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

MM CUL-6 Any and all cultural documents created as a part of the Development Project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Consulting Tribe.

4.2.2 Threshold 4.5.2

Impact Statement: The Development Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section15064.5 of the State CEQA Guidelines.

Findings

Potential impacts of the Development Project related to Threshold 4.5.2 are discussed in detail in Section 4.5.6.1 of the EIR. Although no known archeological resources are located on the Development Site, the potential exists for Project-related ground-disturbing activities to result in a direct impact to archeological resources should such resources be discovered during Project-related ground-disturbing activities. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

Ground disturbances at depths up to 12 feet below existing grade on the Development Site is required to accommodate the development of buildings, infrastructure, and ancillary features. While known historic and archaeological features have been determined not to be significant pursuant to CEQA, as multiple resources have been identified within the Development Site, and due to the dense vegetation and other constraints that inhibited ground visibility during the survey, along with the presence of multiple natural sources of water which extend through the property, there still remains the potential that other unobserved resources may exist within the Development Site. When a project will impact a historic or archaeological site, a Lead Agency shall first determine whether the site is a historical resource. Those archaeological sites that do not qualify as historical resources shall be assessed to determine if they qualify as “unique archaeological resources” (California PRC Section 21083.2). The City finds that implementation of mitigation measures MM CUL-1 through MM CUL-6 would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate state codes and regulations. (EIR Section 4.5.6.1).

Mitigation Measures

Although no significant archaeological resources have been identified following earlier and current studies of the Development Site, there still remains the potential that other unobserved resources may exist within the Development Site due to the identification of multiple resources within the Development Site, the dense vegetation and other constraints that inhibited ground visibility during

the survey of the Development Site, and the presence of multiple natural sources of water which extend through the Development Site. Implementation of the mitigation measures described in Section 4.5.6.1 of the EIR would reduce the Development Project's potential impacts to archaeological and historical resources to a less than significant level.

4.3 GEOLOGY AND SOILS

Project impacts for CEQA Geology and Soils Threshold 4.7.6 does not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.3.1 Threshold 4.7.6

Impact Statement: The Development Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Findings

Potential impacts of the Development Project related to Threshold 4.7.6 are discussed in detail in Section 4.7.6.9 of the EIR. The Quaternary sediments across the Development Site have an "Undetermined" paleontological sensitivity. To the extent that the Development Site contains Quaternary older alluvial fan sediments which have a high potential to contain significant paleontological resources, a monitoring program is required to mitigate impacts to potential nonrenewable paleontological resources. The City finds that Mitigation Measure MM GEO-1 is feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

A paleontological sensitivity map generated by the Riverside County Land Information System in August 2020 ranks the Quaternary sediments across the Development Site as having an "Undetermined" paleontological sensitivity. The San Bernardino County Museum in Redlands and the Western Science Center Museum in Hemet both regard Quaternary older alluvial fan sediments as having a high potential to contain significant paleontological resources and, therefore, typically recommend that a monitoring program be implemented to "mitigate impacts to [potential] nonrenewable paleontological resources." Mitigation Measure MM GEO-1 below require paleontological monitoring during mass grading and excavation activities in undisturbed Quaternary older alluvial fan sediments to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. The mitigation measure described below would mitigate any potential impacts to scientifically significant, nonrenewable paleontological resources to a less than significant impact. (EIR Section 4.7.6.9).

Mitigation Measures

The following Mitigation Measure shall be implemented to reduce impacts to paleontological resources that could be discovered on the Development Site during Development Project grading/excavation activities.

MM GEO-1 **Paleontological Resources Monitoring.** All mass grading, excavation, drilling, and trenching activities within the old alluvial fan deposits ("Qof"), which underlie the

majority of the Development Site, starting at the surface shall be monitored full-time by a qualified paleontological monitor for paleontological resources. Prior to initiation of any grading, drilling, and/or excavation activities, a pre-construction meeting shall be held and attended by the paleontologist of record, the grading contractor and subcontractors, the Development Site applicant, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following discovery of any fossiliferous materials.

For earthmoving within young alluvial fan deposits ("Qyf") and young alluvial valley deposits ("Qya") mapped at the Development Site, periodic "spot check" monitoring shall be conducted, consisting of approximately one to three scheduled site visits per week by a qualified paleontological monitor during construction ground disturbance. If fossils are discovered, full-time monitoring for paleontological resources shall be warranted.

In the field, the primary monitor or the monitors under the direction and supervision of the site-specific paleontologist shall be the responsible persons on site with the assigned authority and responsibility to control all grading operations that might adversely affect any salvage efforts.

Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes will be taken on the map location and stratigraphy of the site, which will be photographed before it is vacated and the fossils are removed to a safe place.

All paleontological monitors shall immediately notify all concerned parties (client and lead agency [i.e., the City of Banning]) at the time of any discovery. The City of Banning shall ensure that the recommendations from the qualified, professional paleontologist shall be followed by the Applicant/Developer.

Within 90 days of final paleontological monitoring, a final monitoring and mitigation report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.

4.4 HYDROLOGY AND WATER QUALITY

Project impacts for CEQA Hydrology and Water Quality Threshold 4.10.3 does not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.4.1 Threshold 4.10.3

Impact Statement: The Development Project could substantially alter the existing drainage pattern of the Development Site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion or siltation on or off site; (ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site; (iii) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows.

Findings

Potential impacts of the Development Project related to Threshold 4.10.3 are discussed in detail in Section 4.10.6.3 of the EIR. The City finds that, with implementation of mandatory regulatory requirements, development of the Development Project will result in less than significant impacts related to Threshold 4.7.6.9 for impacts not related to sediment transport; therefore, no mitigation is required. For impacts related to sediment transport, mitigation measures MM HYD-1 and MM HYD-2 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site is currently undeveloped and is split up into two existing Drainage Areas. Drainage Area A represents the tributary area for Smith Creek, and Drainage Area B represents the tributary area for Pershing Creek. Storm water on the Development Site, under existing conditions, either flows into Smith Creek or Pershing Creek or infiltrates into the ground.

(i) Construction. During Development Project construction activities, soil would be exposed and disturbed, and drainage patterns would be temporarily altered during grading and other construction activities. Therefore, there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. The SWPPP and erosion and sediment control plans would detail Erosion Control and Sediment Control BMPs to be implemented during Development Project construction to minimize erosion and retain sediment on site. Compliance with the requirements of the CGP and City Ordinance No. 1388 and implementation of the construction BMPs, would reduce any construction impacts related to on- or off-site erosion or siltation to less than significant, and no mitigation is required.

(i) Operation. The Development Project would add approximately 333.2 acres (62.4 percent) of impervious surface area, which is not prone to on-site erosion or siltation because there would be no exposed soil. The remaining approximately 200.6 acres (37.6 percent) of the Development Site would consist of pervious surfaces including landscaped areas, landscaped medians, and open space areas. These areas would include vegetation and landscaping that would stabilize the soil and promote infiltration and thereby minimize on-site erosion and siltation. Therefore, on-site erosion and siltation impacts would be minimal. However, the Development Project would increase impervious area on the Development Site by approximately 333.2 acres, which would result in a net increase in storm water runoff that can lead to downstream erosion in receiving waters. Consistent with the requirements of the City of Banning's Municipal Code, the Development Project would construct 16 infiltration basins to retain 100 percent of the 100-year, 3-hour storm event. Collecting, retaining, and

infiltrating storm water runoff would prevent sediment from being washed off site and impacting downstream receiving waters. Implementation of regulatory requirements in RCM WQ-3, which requires the Development Project to comply with the hydromodification requirements of the Whitewater River Watershed MS4 Permit and reduce storm water runoff from the Development Site, and RCM WQ-4, which requires the preparation of a Final Hydrology and Hydraulic Analyses that provides BMPs and LIDs that are consistent with the requirements of the Riverside County Flood Control and Water Conservation District Hydrology Manual and the Riverside County Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development, would ensure that operation impacts related to substantial on- or off-site erosion or siltation would be less than significant.

(i) Sediment Transport. While the city is not located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the City and then onward to the San Gorgonio River. Strong winds in the San Gorgonio Pass pick up sand deposited along Smith Creek and the San Gorgonio River during the winter and transport it into the CVMSHCP Conservation Areas located downwind. Features within upstream drainage areas, such as detention basins, and changes in stream flow related to flood control features have the potential to diminish the amount of sediment transported downstream which is then available for aeolian transport. Over the past three decades, the sand dune and sand sheet habitats being conserved in the CVMSHCP have diminished steadily due to the development within upper watershed areas, including the City of Banning. Lincoln Street development would include construction of a 10-foot-by-10-foot reinforced concrete box culvert across Pershing Creek, which flows in a northwest to southeast direction through the eastern portion of the Development Site (Planning Areas 13 and 14), and Smith Creek, on the western portion of the Development Site, which flows in a north-south direction through Planning Areas 17 and 18. The proposed Lincoln Street crossings of Smith and Pershing Creeks have the potential to affect the pattern, volume, velocity, and/or sediment transport capacity within these drainages, which could have a potentially significant impact on transport to CVMSHCP Conservation Areas. Preparation of, approval by the City, and implementation of a sediment transport and scour analysis that compares drainage features in the pre- and post-project conditions and ensures that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP is required by mitigation measures MM HYD-1 and MM HYD-2, which will reduce this potentially significant impact to less than significant.

(ii) and (iv) Construction. Development Project construction would comply with the requirements of the CGP and would include the preparation and implementation of an SWPPP. The SWPPP would include construction BMPs to control and direct on-site surface runoff to ensure that storm water runoff from the construction site does not exceed the capacity of the storm water drainage systems. With implementation of BMPs, construction impacts related to a substantial increase in the rate or amount of surface runoff that would result in flooding would be less than significant, and no mitigation is required.

(ii) and (iv) Operation. Implementation of the Development Project would alter the on-site drainage pattern when compared to existing conditions. The Development Site's conceptual drainage plan consists of catch basins, storm drainpipes, reinforced concrete pipes, and 16 on-site infiltration basins. The drainage system for the Development Site would route the storm water runoff from the on-site impervious surfaces to the proposed infiltration basins. Each of the basins would provide storm water treatment and peak flow mitigation for their respective downstream receiving waters. The Development Project would comply with the City of Banning Ordinance No. 1415 Stormwater Code in requiring 100 percent retention of storm water from a 100-year, 3-hour storm event through the development of the infiltration basins at required sizes. With implementation of RCM WQ-3 and RCM WQ-4, impacts related to an increase in the rate or amount of surface runoff in a manner that would result in on- or off-site flooding would be less than significant, and no mitigation is required.

(iii) Construction. Construction of the Development Project has the potential to introduce pollutants to existing storm water that percolates into the ground or that flows into Smith and/or Pershing Creek on the Development Site, due to erosion, siltation, and accidental spills. The SWPPP would include construction BMPs to control and direct surface runoff on the Development Site and would include detention measures, if required, to ensure that storm water runoff from the construction activities does not exceed the capacity of the storm water drainage systems. In addition, the City requires preparation of erosion and sediment control plans. Implementation of construction BMPs target pollutants of concern in runoff from the Development Site, and erosion and sediment control measures would prevent substantial additional sources of polluted runoff being discharged into Smith and/or Pershing Creeks. Therefore, with compliance with mandatory regulatory requirements, construction impacts related to creation or contribution of runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would be less than significant, and no mitigation is required.

(iii) Operation. Storm water will flow on the surface to catch basins and be directed to infiltration basins, which would be appropriately sized to retain and infiltrate 100 percent of the water from a 100-year, 3-hour storm event so that excess runoff does not exceed the capacity of the downstream receiving waters. Additionally, the Development Project would be required to implement RCM WQ-3, which requires implementation of operational BMPs that target and reduce pollutants of concern in storm water runoff. Therefore, operational impacts related to creation or contribution of storm water runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would be less than significant, and no mitigation is required. (EIR Section 4.10.6.3).

Mitigation Measure

To address the potentially sediment transport-related impact at the proposed Lincoln Street crossings, the following mitigation measures have been identified:

MM HYD-1 Prior to the issuance of a grading permit(s) for roadway work in or adjacent to the proposed Lincoln Street creek crossings, the Applicant shall submit a sediment transport and scour analysis to the City of Banning and Western Riverside County Regional Conservation Authority for review and approval. As appropriate, the submittal may include equivalent detail on alternative proposals for the proposed

creek crossings. The sediment transport and scour analysis shall identify pre-project conditions associated with channel morphology, hydrologic flow patterns, existing sedimentation and scouring, sediment size, and depth at each crossing. These same attributes will be analyzed based on post-project conditions to determine if there are any substantial changes to the existing conditions. The purpose of the sediment transport and scour analysis is to compare the functions and values of the drainage features in the pre- and post-project conditions and to ensure that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.

MM HYD-2 Prior to City of Banning's approval of roadway improvement plans for Lincoln Street, including the proposed Lincoln Street crossings, the Applicant shall submit evidence to the City that the Lincoln Street crossings of Pershing and Smith Creeks have been designed to avoid impacts to or, if impacted, to maintain the development transport capacity identified in the approved sediment transport and scour analysis required under Mitigation Measure HYD-1.

4.5 TRIBAL AND CULTURAL RESOURCES

Project impacts for CEQA Tribal and Cultural Resources Thresholds 4.18.1 and 4.18.2 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.5.1 Threshold 4.18.1

Impact Statement: The Development Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

Findings

Potential impacts of the Development Project related to Threshold 4.18.1 are discussed in detail in Section 4.18.6.1 of the EIR. Sites of potential historic and archaeological sensitivity were observed on the Development site and impacts to tribal cultural resources could be potentially significant. The City

finds that, mitigation measures MM CUL-1 through MM CUL-6, are feasible, adopted and would reduce impacts to less than significant.

Substantial Evidence

In addition to a record search, Native American consultation was conducted by the City in compliance with AB 52 and SB 18. As part of the initial consultation process, a review of the SLF by the NAHC yielded negative results. Subsequently, a total of 31 Native American representatives were contacted by the City to determine their desire to consult on the Development Project. The City received consultation requests from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians, the Agua Caliente Band of Cahuilla Indians, and the San Manuel Band of Mission Indians. Initial consultation meetings were held on April 7, 2022 with MBMI and on April 20, 2022 with the Soboba Band of Luiseño Indians.

Because there was no further follow up from the Agua Caliente Band of Cahuilla Indians after the initial consultation request, and the San Manuel Band of Mission Indians did not respond to the initial request, tribal consultation efforts did not move forward beyond the initial tribal consultation request that was received.

The tribal representatives who attended the initial consultation meeting held on April 7, 2022 with MBMI emphasized the importance of including archaeological and Native American monitoring in order to thoroughly assess if there are any tribal cultural resources that could be listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) and located at the Development Site. MBMI representatives provided their review of the Development Project's Cultural Resources Assessment and stated that the Development Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. These concerns about the Development Project being located within a tribally sensitive area were brought up during the initial consultation meeting held on April 20, 2022 with the Soboba Band of Luiseño Indians, whose representatives emphasized the importance of their concerns regarding the treatment and disposition of tribal cultural resources that may be uncovered at the Development Site.

Because the Development Site is located in an area considered to be sensitive for tribal cultural resources, ground disturbance associated with implementation of the Development Project has the potential to affect undiscovered tribal cultural material. As such, the Development Project has the potential to result in a substantial adverse change in the significance of a tribal cultural resource, as defined in this threshold.

Due to the potential presence of tribal cultural resources at the Development Site, the City is engaged in ongoing consultation efforts with MBMI and the Soboba Band of Luiseño Indians and will continue to consult with them as Development Project construction occurs in the event that a tribal cultural resource is encountered. If identified, procedures outlined in MM CUL-1 to MM CUL-6 will be followed, as appropriate. Therefore, with mitigation, the Development Project is not expected to cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of the Development Project would have a potentially significant impact on unique archaeological resources, including tribal cultural resources, unless mitigation described under MM CUL-1 through

MM CUL-6 are incorporated. Implementation of these mitigation measures would reduce impacts to tribal cultural resources within the Development Site to a less than significant level. (EIR Section 4.18.6.1).

Mitigation Measures

The following mitigation measures as identified in Section 4.5 are also identified as Cultural Resource Conditions in the Development Project's Cultural Resources Assessment and are considered standard project procedures to be conducted if a cultural resource is encountered during construction to reduce potential impacts to undiscovered archaeological resources:

MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. The monitor shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

MM CUL-2 The qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing, and responsibility of all archaeological and cultural resource activities that occur on the Development Site, in coordination with the Consulting Tribe(s).

MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health and Safety Code Section 7050.5 and Public Resources Code (PRC) Section 5097.98. In the event human remains are found and identified as Native American, the applicant shall also notify the City Planning Department so that the City can ensure PRC Section 5097.98 is followed.

MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-foot buffer of the discovery) or shall be diverted away from the vicinity of the find, so that

the find can be evaluated by the qualified archaeologist. A treatment plan shall be developed by a qualified archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:

- A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. Reburial shall not occur until all cataloguing, analysis, and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a final report.

- Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

MM CUL-6 Any and all cultural documents created as a part of the Development Project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Consulting Tribe.

4.5.2 Threshold 4.18.2

Impact Statement: Without mitigation measures, the Development Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Findings

Potential impacts of the Development Project related to Threshold 4.18.2 are discussed in detail in Section 4.18.6.2 of the EIR. The City finds that there is a possibility potential tribal cultural resources may be unearthed during ground-disturbing activities and impacts to tribal cultural resources would be significant. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce the significant impact identified to less than significant.

Substantial Evidence

As indicated above, Native American consultation was conducted in compliance with AB 52 and SB 18. As part of the consultation process, a review of the SLF by the NAHC yielded negative results.

Following the initial consultation meeting between the City and MBMI, MBMI has provided its review of the Development Project's Cultural Resources Assessment and has stated that the Development Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. Although there are no known human remains at the Development Site, the potential to unearth such remains during construction cannot be ruled out. In the event that human remains are identified during Development Project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98, as appropriate. Adherence to previously identified MM CUL-1 through MM CUL-5 would ensure compliance with the State's Health and Safety Code for the treatment of human remains and the appropriate coordination with the Native American Heritage Commission. With implementation of and compliance with the above stated mitigation measures, impacts would be less than significant.

Mitigation Measures

MM CUL-1 through MM CUL-5 from Section 4.5 of the EIR are also identified as Cultural Resource Conditions in the Development Project's Cultural Resources Assessment and are considered standard project procedures to be conducted if a cultural resource is encountered during construction to reduce potential impacts to undiscovered archaeological resources.

5.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE

Section 15126 of the CEQA Guidelines requires that the EIR identify the significant environmental effects that cannot be avoided if the proposed project should be implemented (CEQA Guidelines Section 15126(b)), and the significant irreversible environmental changes that would be involved if the proposed project is implemented (CEQA Guidelines Section 15126(c)). As further described below, the City finds the Development Project would result in significant and unavoidable impacts with respect to air quality, greenhouse gas emissions, noise and transportation after implementation of all feasible mitigation measures. In accordance with CEQA Guidelines Section 15092(b)(2), the City cannot approve the Development Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable due to overriding considerations described in CEQA Guidelines Section 15093 because the economic, legal, social, technological or other benefits of the proposed project outweigh its unavoidable adverse environmental effects. Therefore, a Statement of Overriding Considerations has been prepared.

5.1 AIR QUALITY

5.1.1 Threshold 4.3.1

Impact Statement: The Development Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings

Impacts to the Development Project related to Threshold 4.3.1 are discussed in detail in Draft EIR Section 4.3.6.1. The City finds that the Development Project would be inconsistent with the 2022 South Coast AQMD Air Quality Management Plan (AQMP) because it 1) would require a General Plan Amendment and therefore is inconsistent with the land use assumptions on which the AQMP was based and is conservatively assumed to generate operational source emissions not accounted for in the AQMP; and 2) would exceed SCAQMD significance thresholds for VOCs, NOx, CO, PM_{10}, and $PM_{2.5}$ emissions. Specifically, the Development Project would exceed regional thresholds of significance for VOC during construction and for VOCs, NOx, CO, PM_{10}, and $PM_{2.5}$ during operation despite implementation of project design features and mitigation measures both added and as revised in Mitigation Measure AIR-1 and AIR-2. As such, the Development Project is considered to be inconsistent with the AQMP and a significant and unavoidable impact regarding inconsistency with the 2022 AQMP would result from the construction and operation of the Development Project. The City finds that the mitigation measures, as revised, identified in Final EIR are feasible, adopted, and will reduce air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the

State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

The proposed Development Site is located within the Basin and is within the jurisdiction of the SCAQMD. The 2022 AQMP is the applicable plan for the Development Project. CEQA requires that Specific Plans be evaluated for consistency with the AQMP. SCAQMD's *CEQA Air Quality Handbook* provides the following two criteria to determine whether a project would be consistent or in conflict with the AQMP:

- **Consistency Criterion No. 1:** The project would not generate population and employment growth that would be inconsistent with SCAG growth forecasts.

- **Consistency Criterion No. 2:** The project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Consistency Criterion No. 1 refers to the SCAG's growth forecasts and associated assumptions included in the AQMP. The future air quality levels projected in the AQMP are based on SCAG's growth projections, which are based, in part, on the general plans of cities located within the SCAG region. Therefore, if the level of employment related to the proposed project is consistent with the applicable assumptions used in the development of the AQMP, the project would not jeopardize attainment of the air quality levels identified in the AQMP.

The Development Project would require a general plan land use change. Based on residential occupancy densities, the existing residential use designations would accommodate up to 3,752 persons, while the commercial uses under the existing designations would provide employment for up to 610 persons, for a total of 4,362 residents and employees. The Development Project would allow for up to 5,993 employees at full buildout. As a result of the growth in employment projections for the Development Site, the proposed Project would not be consistent with Consistency Criterion No. 1. Once the General Plan Amendment is approved, the AQMP modeling updated, and the SCAG growth forecasts updated, the Development Project would then be consistent with Criterion No. 1. However, the Development Project is not currently consistent with the growth projections included in the AQMP, and therefore this criterion is not met.

As evaluated under Thresholds 4.3.2 and 4.3.3, the Development Project would not exceed the LST thresholds for operational activity. However, the regional operational-source emissions are anticipated to exceed the regional thresholds of significance for VOC, NO_X, CO, PM_{10}. and $PM_{2.5}$ emissions and would not be reduced to less than significant with imposition of mitigation measures. As such, the Development Project operations have the potential to result in a significant impact with respect to this criterion, and the Development Project would have the potential to conflict with the AQMP according to this criterion.

Based on the preceding, the Development Project is determined to be inconsistent with Consistency Criterion No. 1, and impacts would be potentially significant. (EIR Section 4.3.6.1).

Emissions associated with the operation of the Development Project would remain significant and unavoidable, even with implementation of the planned project design features and Mitigation Measures AIR-1 and AIR-2 as revised. No additional feasible mitigation measures are available that can reduce impacts to less than significant. As such, the Project would not be consistent with the attainment of the AAQS or emission reductions assumptions indicated in the AQMP. Therefore, based on the requirements for consistency with emission control strategies in the AQMP, the Development Project would conflict with or obstruct the implementation of the AQMP and/or applicable portions of the SIP. Therefore, this impact would be significant and unavoidable.

Mitigation Measures

In order to reduce impacts to the maximum extent feasible, the following mitigation measures are required:

MM AIR-1 The following multi-part mitigation measure shall be implemented during Project construction:

- Plans submitted for grading permit issuance and building permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be fueled or charged. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Banning Electric Utility (BEU). If BEU does not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet (as specified in this Mitigation Measure below), the establishment of a temporary electric charging area also will not be required. If the contractor(s) equipment fleet includes this equipment and BEU approval is secured, the temporary charging location shall be established upon issuance of grading permits and building permits.

- If electric or non-diesel off-road trucks and construction support equipment, including but not limited to hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors are available in the construction contractor's equipment fleet and can fulfill the construction requirements during the building, construction, paving, and architectural coating phases of Project construction, such equipment shall be used during on-site construction. This requirement shall be noted on plans submitted for building permit issuance.

- If electric or non-diesel off-road truck and construction support equipment are not available then the Project contractor shall ensure all 50 horsepower or more

off-road diesel-powered construction equipment is powered with California Air Resources Board (CARB) certified Tier 4 Final engines or the equivalent.

- Construction contractors shall maintain records of all off-road diesel construction equipment associated with on-site construction to document that each off-road diesel construction equipment used meets required emission standards. Records shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City staff or their designee.

- During construction activities, the City shall conduct periodic inspections to verify compliance with construction-related mitigation measures pursuant to the Mitigation Monitoring and Reporting Program.

- During construction of the proposed Development Project, the Project contractor shall only use interior paints with low volatile organic compound (VOC) content with a maximum concentration of 30 grams per liter (g/L) for residential building architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a low VOC content with a maximum concentration of 30 g/L verified.

- The City of Banning shall verify these requirements have been incorporated into construction plans prior to issuance of any construction permits and during architectural coating activities.

MM AIR-2 The following multi-part mitigation measure shall be implemented during Project operation:

- Implement mitigation measures MM GHG-4, MM GHG-5, MM GHG-6, and GHG-7.

- All facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on site demonstrating compliance with this requirement and shall make records available for inspection by the City of Banning, SCAQMD, and State upon request.

- All on-site cargo handling equipment including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment shall be electric with the necessary electrical plug-in charging included in the design of the Development Project electrical system, buildings, and equipment storage and parking areas.

- Tenant lease agreements for the Development Project shall include contractual language restricting trucks and support equipment from nonessential idling longer than 3 minutes while on site. The idling restriction will be presented on

signs at the entrance to the industrial portions of the Development Project as well as at loading docks and truck parking areas.

- All facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

- Interior- and exterior-facing signs, including signs directed at all dock and delivery areas, shall be provided identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- At buildout of the industrial land uses a minimum of 50 Class 8 electric vehicle (EV) truck chargers shall be installed at the tractor trailer parking spaces in logical locations to facilitate electric truck charging. These chargers shall have the power rating sufficient to charge a Class 8 truck battery.

- For the warehouse/industrial portions of the Development Project, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to all tractor trailer parking spaces in logical locations on site to facilitate future electric truck charging.

- The Development Project shall include the higher value of either:

    - At least 350 Level 2 AC EV chargers; or

    - A percentage of total parking spaces with Level 2 AC EV chargers to comply with the minimum requirements of CCR, Title 24, Part 11: California Green Building Standards Code.

    - The provision of EV charges in each parking lot shall occur prior to the occupancy of uses for said lots.

- All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs. A condition of approval shall be included for the cold storage facility that requires that by buildout at least 90 percent of trucks with TRUs are fully electric.

- Prior to issuance of occupancy permits for the industrial/warehouse area, the Development Project operators employing 200 or more employees shall be required to establish and promote a rideshare program and prepare and submit a Transportation Demand Management Program detailing strategies that discourage single-occupancy vehicle trips by employees by increasing and providing financial incentives for alternate modes of transportation, including carpooling/vanpools, public transit, and biking.

- Signs at every truck exit driveway shall be provided showing directional information to the truck route.
- Every tenant shall be required to train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Facility operators shall also be required to maintain records on site demonstrating compliance and make records available for inspection by the City of Banning, SCAQMD, and State upon request.
- Tenants shall be required to enroll in the United States Environmental Protection Agency's SmartWay program, and tenants shall be required to use carriers that are SmartWay carriers.
- Industrial and commercial buildings within the Development Project shall be all electric unless the land use requires natural gas (i.e., restaurants, bakeries, dental and medical laboratories).
- Tenants shall be provided with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

5.1.2 Threshold 4.3.2

Impact Statement: The Development Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard.

Findings

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is based on past and present development, and the South Coast AQMD develops and implements plans for future attainment of ambient air quality standards taking into account current attainment status and the potential impacts of future development. Based on these considerations, project-level thresholds of significance for criteria pollutants are used by the South Coast AQMD to determine whether a project's individual emissions would have a cumulatively significant impact on air quality. The potential for the project to result in a cumulatively considerable impact, is based on whether a project will exceed a threshold of significance for any criteria pollutant for which the project region is nonattainment under an applicable NAAQS and/or CAAQS. Impacts of the Development Project related to Threshold 4.3.2 are discussed in detail in Draft EIR Section 4.3.6.2.

The City finds that the Project will exceed the thresholds established by SCAQMD for emissions of certain criteria pollutants for which the project region is at a level of non-attainment even after mitigation Therefore, Project impacts would be significant on a project-specific and cumulative basis for those emissions. The Development Project is required to comply with mitigation measures MM AIR-1 and MM AIR-2. The City finds that the mitigation measures, as revised, identified in Final EIR are feasible, adopted, and will reduce air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development

Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

The Basin is currently designated nonattainment for the federal and State standards for O_3 and $PM_{2.5}$. In addition, the Basin is in nonattainment for the State PM_{10} standard.

Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, grading, paving, building, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, VOCs, directly emitted particulate matter ($PM_{2.5}$ and PM_{10}), and TACs such as diesel exhaust particulate matter. Table 4.3.I of the Draft EIR shows the mitigated construction emissions and indicates that with implementation of Mitigation Measure AIR-1, maximum daily construction emissions would be less than the SCAQMD thresholds of all pollutants except for VOCs. Mitigation Measure AIR-1 would reduce construction VOCs by requiring low-VOC paint application; however, construction VOC emissions associated with the Development Project would still be significant. There are no additional feasible mitigation measures to further reduce VOC emissions. Therefore, the proposed Development Project would result in significant construction air quality impacts.

Operational Emissions. Long-term air pollutant emission impacts that would result from the proposed Project are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment. Mobile source emissions include emissions associated with passenger vehicles which are based on the trip numbers, length, and fleet mix/vehicle type assumptions in the Traffic Analysis for employees and site visitors/shoppers. The truck trip assumptions are also based on the Traffic Analysis for trips and fleet mix. A truck trip length of 40 miles was assumed based on previous recommendations by the SCAQMD. In response to public comments received on the Draft EIR, the air emission totals for the Development Project were updated based on the updated, increased truck trip lengths from the WAIRE Guidelines and a weighted average for truck axle type was calculated.

Even with implementation of the designated project design features and revised Mitigation Measure AIR-2, operation of the proposed Development Project would result in a significant and unavoidable impact for VOCs, NOx, CO, PM10, and PM2.5 (Tables 4.3.J through 4.3.N). Mitigation Measure AIR-2 is required to reduce criteria pollutant emissions from the proposed Development Project to the extent feasible. No additional feasible mitigation measures are available that can reduce impacts to a less than significant level; therefore, the operational impact remains significant and unavoidable.

Impacts to the Project related to Threshold 4.3.2 are discussed in detail in Draft EIR Section 4.3.6.2. With implementation of Mitigation Measure AIR-1, daily regional construction emissions would not exceed the daily thresholds of any criteria pollutant emission thresholds established by SCAQMD during construction except for VOCs. Assuming the worst-case scenario of overlap of construction and

operations set forth in each table, the daily emissions from Project operations would exceed the SCAQMD thresholds for all pollutants except for SO_X.

Construction emissions of all pollutants except for VOCs associated with the Project would be reduced to a less than significant level with implementation of Mitigation Measure AIR-1. However, emissions associated with operation of the Development Project would remain significant and unavoidable, even with implementation of the planned project design features and Mitigation Measure AIR-2, as revised, which would require all feasible measures to reduce potential impacts. Therefore, this impact would be significant and unavoidable.

Mitigation Measures

As such, impacts are potentially significant. In order to reduce impacts to the maximum extent feasible, the following mitigation measures are required:

Implementation of Mitigation Measure AIR-1 and Mitigation Measure AIR-2, described above.

RCM AQ-1 **SCAQMD Rule 403.** During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving).
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Pave construction access roads at least 100 feet (30 meters) onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less.

RCM AQ-2 All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

RCM AQ-3 Prior to approval of the Project plans and specifications, the City shall confirm that the construction bid packages specify:

- Contractors shall use high-volume low-pressure paint applicators with a minimum transfer efficiency of at least 50 percent;
- Coatings and solvents that will be utilized have a volatile organic compound content lower than required under SCAQMD Rule 1113; and
- To the extent feasible, construction/building materials shall be composed of pre-painted materials.

RCM AQ-4 The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.

From Section 4.3.6.2 of the Draft EIR, "Other regional transportation measures that may reduce VMT include but are not limited to improving/increasing access to transit, increasing access to common goods and services, or orientating land uses toward alternative transportation. These regional transportation measures may be infeasible at the project level but will generally be implemented as the surrounding communities develop. The *Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis* concludes that there is no means, however, to quantify any VMT reductions that could result. Additionally, the effectiveness of any VMT reduction program would be dependent on as yet unknown building tenant(s); and as noted above, VMT reductions from various CTR measures cannot be guaranteed." This assessment was revised in the Final EIR Section 4.17.6.3 which imposed mitigation measures but similarly concluded that potential decreases in emissions from reduced VMT may be possible but cannot be quantified at this time.

5.2 GREENHOUSE GAS EMISSIONS

5.2.1 Threshold 4.8.1

Impact Statement: The Development Project would generate GHG emissions either directly or indirectly that may have a significant impact on the environment.

Findings

Impacts of the Development Project related to Threshold 4.8.1 are discussed in detail in Section 4.8.5.1 of the EIR and Section 4.8 of the Final EIR. Unmitigated Project GHG emissions with PDFs incorporated are approximately 62,844.96 MT CO_2e per year through all three phases of the Development Project at buildout, which would exceed the City's threshold of significance of 3,000 MT CO_2e per year. Therefore, impacts are significant. The Development Project includes Project Design Features (PDFs), which will reduce GHG emissions attributable to the Development Project (Draft EIR Section 4.8.5.1).

The Development Project is required to comply with mitigation measures MM AIR-1 and AIR-2, as revised in the Final EIR, and MM GHG-1 through GHG-7 which would reduce GHG impacts to the extent feasible. The City finds that even after application of mitigation measures, the Development Project's GHG emissions are estimated to be approximately 44,313.00 MT CO_2e per year, exceed the

City's screening threshold for Greenhouse Gas Emissions. The City finds that the above PDFs and mitigation measures are feasible, are adopted, and will reduce GHG impacts attributable to the proposed Project to the extent feasible. The City, therefore, finds this impact significant and unavoidable. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from construction and operation of the Development Project.

Several mitigation measures were recommended by commenters on the Draft EIR. These measures were evaluated in the Final EIR and were: 1) already be required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included, herein; or 3) determined to be infeasible. For example, due to the reasons described below under "Substantial Evidence," the requirement that all heavy-duty vehicles must be zero emission was found to be economically and technologically infeasible because they are not commercially available for the foreseeable future. Additionally, regulations that control heavy-duty truck emissions are the responsibility of the state and outside of the responsibility and control of the City. Therefore, pursuant to Section 21081(a)(3) of the California Public Resources Code, control of tailpipe emissions are within the responsibility and jurisdiction of another public agency and have been adopted by that other agency. Accordingly, the City finds that the majority of the Development Project's emissions come from mobile sources which are regulated by the State and not the City.

Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

When amortized over the 30-year life of the Development Project as required by the SCAQMD, on-site construction activities would result in annual emissions of 487.49 metric tons carbon dioxide equivalent per year (MT CO2e/yr). Long-term GHG emissions associated with buildout of the Development would be approximately 56,902.96 MT CO2e annually from both construction and operations. While the incorporation of feasible mitigation, emissions would reduce project GHG emissions to 38,726.25 MT CO2e/yr, the volume of GHG emissions resulting from the Development Project would exceed the City's threshold of 3,000 MT CO2e at Development Project buildout (2027). The majority of the GHG emissions (66 percent of unmitigated emissions) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and neither the City nor the Development Project have control over these standards.

Based on comments received during public review of the Draft EIR, a supplemental greenhouse analysis was conducted to account for emissions from updated truck trip lengths trucks by axle type which conform to SCAQMD WAIRE Guidelines and emissions from transport refrigeration units (TRUs) (see Final EIR, Appendices C-5 and C-6). These additional emissions were added to those previously identified for the Project. This additional analysis identified, at buildout, with the incorporation of project design features, the Development Project's unmitigated emissions with incorporation of the

PDFs would be approximately 62,844.96 MT CO_2e annually from both construction and operations[4] (see Final EIR, Table 4.8.F-1). Several mitigation measures were recommended by commenters on the Draft EIR. These measures were evaluated in the Final EIR and were: 1) already required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included in the Final EIR; or 3) determined to be infeasible. For example, the suggested mitigation measure to require that all heavy-duty vehicles must be zero emission was found to be economically and technologically infeasible because they are not commercially available to serve the entire Development Project for the foreseeable future. (See Final EIR, Section 3.0, responses to Comments A-3-25, A-3-26, and A-3-27).

Another suggestion was the installation of roof-top solar panels to the extent feasible. While the City will require Project buildings be to designed and constructed to include solar-ready roof and solar facilities required for commercial and office space in the industrial buildings, the installation of solar panels beyond those required by law is not anticipated at this time as the City prefers that new commercial and industrial uses refrain from installing solar roofs and purchase electricity from BEU to facilitate and support the utility's long-term renewable energy contracts (see Final EIR, Section 3.0, response to Comment A-3-64). The discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section 3.0, including (but not limited to) the responses to Comments A-3-28, A-3-58, A-3-60, B-2-15, B-2-16, D-3-8, D-3-53 and D-3-56 through D-3-93, and D-6-4.

Project design features (PDFs) to reduce the emission of GHGs have been previously identified in Draft EIR, Section 4.8.5.1, (pg 4.8-23) and Appendix C-3 (pg 31). Because PDFs are incorporated into the design and construction or operational activities they are not considered mitigation. Previously, the California Building Code required only solar ready roofs for non-residential development. The Specific Plan PDF has been revised to require compliance with California Building Code Title 24, Part 6 solar requirements. These requirements which continue to evolve, now include certain solar roof requirements for non-residential development. The supplemental GHG analysis applies current Title 24, Part 6 requirements for solar roofs which keep the Development Project compliant with Title 24, Part 6 requirements, and is the basis for the updated GHG analysis:

> *All Commercial and Industrial buildings within the Development Project will have solar ready roofs, that includes roof vents and skylights spaced in a manner that allows the south facing roof areas sufficient space to install PV solar panels. In addition, all Commercial buildings shall install PV solar panels with the capacity to generate at least 20 percent of the Commercial buildings' expected electricity consumption. All Industrial buildings shall install PV solar panels with the capacity to generate the expected electricity consumption of the office space of the warehouses and otherwise comply with Title 24, Part 6. Electric conduit leading from the roof area to the electric control panels shall be installed and include electrical panels with sufficient capacity to accommodate PV solar.*

The new requirement has been incorporated into the Final EIR (see Final EIR Chapter 4.0, Sections 4.6.3 through 6.5.6.2). Greenhouse gas reducing practices have been identified in revised Mitigation Measures AIR-1 and AIR-2, as revised, and GHG-1 through GHG-7, along with previously identified and

[4] This includes total construction emissions amortized over 30 years per 2008 SCAQMD Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans.

new PDFs, would reduce emissions to 44,313.0 MT CO_2e per year at Project buildout (see Final EIR, Table 4.8.J-1), which would still exceed the City's threshold of 3,000 MT CO_2e. Again, the majority of these are generated from mobile sources that are regulated by the State and not the City.

Reliance on carbon offsets to reduce either the Development Project's mobile or non-mobile emissions is not feasible. No local program is available that meets CEQA's criteria of being quantifiable, additional, and verifiable. It has been determined that even offset credits purchased from CARB-approved offset project registries do not adequately ensure that purchased offset credits accurately and reliably represent actual emissions reductions or cannot guarantee that such reductions are additional to any reduction that would occur under business-as-usual operations and reductions required by law, and do not meet the definition of a valid mitigation measure. Additionally, as the Lead Agency, the City of Banning is responsible for enforcing project mitigation measures that are relied upon to reduce GHG impacts and has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. No additional feasible mitigation measures are available that can reduce impacts to less than significant.

Mitigation Measures

Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City finds that changes or alterations have been required in, or incorporated into, the Development Project that avoid or substantially lessen the significant effect on the environment. Based upon the analysis presented in Section 4.8, Greenhouse Gas Emissions of the EIR, mitigation measures GHG-1 through GHG-7 have been identified to address this impact are feasible and made binding through the MMRP. In addition, MM AIR-1 and AIR-2, as revised, would also be applicable and reduce GHG impacts to the extent feasible. (Draft EIR Section 4.8.5.1).

The Project shall implement mitigation measure MM AIR-2 (discussed above in Section 5.1 and in the EIR), many provisions of which in addition to reducing air quality emissions would result in a reduction in GHG emissions. Despite imposition of these feasible mitigation measures, the volume of GHG emissions generated by the Development would not be reduced below established significance threshold.

The following are additional mitigation measures that would be required to address significant GHG emissions:

MM GHG-1 Provide separate recycling bins within each commercial/industrial building and provide large external recycling collection bins at central locations in the commercial and industrial land uses for collection truck pickup. Provide a commercial recycling/composting program that provides 70 percent diversion of waste for the commercial land uses. Provide an industrial recycling program that provides 80 percent diversion of waste for the industrial land uses.

MM GHG-2 Provide drought tolerant low-water landscaping and trees throughout the Development Site and use recycled (purple pipe) irrigation water with drip irrigation and weather based smart irrigation controllers.

MM GHG-3 Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation to the City of Banning demonstrating that the Project is designed to achieve energy efficient buildings exceeding Title 24 standards with the following design criteria:

- Building envelops insulation of conditioned space within all commercial and industrial buildings shall be R15 or greater for walls and R30 or greater for attics/roofs.
- Windows of commercial and industrial buildings shall have an insulation factor of 0.28 or less U-factor and 0.22 or less SHGC.
- All roofing material for commercial buildings shall be CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance.
- All heating/cooling ducting within the commercial and industrial buildings shall be insulated with R6 or greater insulation.
- All heating and cooling equipment shall be ERR 14/78 percent AFUE, or 7.7 HSPF levels of efficiency or greater.
- All water heaters in the commercial and industrial buildings shall be high efficiency electric water heaters with a minimum 0.72 Energy Factor or greater.
- Lighting within the commercial and industrial buildings shall be high efficiency LED lighting with a minimum of 40 lumens/watt for 15 watt or less fixtures, 50 lumens/watt for 15–40-watt fixtures, and 60 lumens/watt for fixtures greater than 40 watts.
- Building roofs shall be in compliance with solar requirements of the California Building Code Title 24 standards.

MM GHG-4 All appliances within the commercial and industrial land uses shall be energy star rated appliances.

MM GHG-5 All water fixtures shall be water efficient (toilets/urinals [1.5 GPM or less], showerheads [2.0 GPM or less], and faucets [1.28 GMM or less]).

MM GHG-6 All landscape equipment used to maintain the landscaping within the Development Project shall be electric.

MM GHG-7 Prior to issuance of building permits, the Project shall provide documentation to the City as part of the plan check process, demonstrating that the Project will implement the measures specified in Table 4.8.K which were obtained from the Riverside County Greenhouse Gas Emissions Screening Tables. The Project may also achieve equivalent emission reductions from other measures approved by the City. Implementing these

mitigation measures shall be verified by the City prior to the issuance of final Certificate of Occupancy.

5.2.2 Threshold 4.8.2

Impact Statement: The Development Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

Findings

Impacts of the Development Project related to Threshold 4.8.2 are discussed in detail in Draft EIR Section 4.8.5.2. The City finds that the Development Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. Despite plan consistency, the Development Project's long-term operational GHG emissions would exceed the City's significance threshold of 3,000 $MTCO_2e$ per year. For that reason, the City finds that the Development Project results in a significant GHG impact. The Development Project is required to comply with mitigation measures MM AIR-1 and AIR-2, as revised, and MM GHG-1, GHG-2, GHG-4, GHG-5, GHG-6, and GHG-7, which would reduce impacts to the extent feasible. The City finds that even after application of mitigation measures, the Development Project's GHG emissions exceed the City's screening threshold for Greenhouse Gas Emissions. The City finds that the above PDFs and mitigation measures are feasible, are adopted, and will reduce GHG impacts attributable to the proposed Project to the extent feasible. The City therefore finds this impact significant and unavoidable. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. Regulations that control heavy-duty truck emissions are the responsibility of the State and outside of the responsibility and control of the City. Therefore, pursuant to Section 21081(a)(3) of the California Public Resources Code, control of tailpipe emissions are within the responsibility and jurisdiction of another public agency and have been adopted by that other agency. Accordingly, the City finds that the majority of the Development Project's emissions come from mobile sources which are regulated by the State and not the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

The Development Project would not conflict with any of the local, regional, and Statewide plans, polices, programs, and regulations adopted for the purposes of reducing GHG emissions. The Development Project would incorporate GHG emission reducing project design features and implement feasible mitigation (cited previously in these findings).

Plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, SCAG's 2020–2045 RTP/SCS, the County of Riverside Climate Action Plan, the City of Banning General Plan, and the Air Quality Management Plan. Analysis of whether the Development Project would conflict with a plan, policy, or regulation adopted to reduce GHG emissions is discussed below:

- **Riverside Climate Action Plan:** The Development Project gains over 500 points in the County of Riverside CAP Screening Tables, and these measures will be implemented as part of the Development Project through the PDFs and Mitigation Measures AIR-2, GHG-1, GHG-2, GHG-4, GHG-5, and GHG-6 and GHG-7. Since the Development Project greatly exceeds the 100-point threshold needed to show consistency with the CAP, the Development Project would implement a greater amount of the reduction measures than needed and would be consistent with the County of Riverside CAP if it applied to the entire project.

- **City of Banning General Plan:** The Development Project would be consistent with the 2006 Banning General Plan Air Quality Policies and policies in the Energy and Mineral Resources Element, as discussed in Table 4.8.L of the Final EIR (pp. 4.8-37).

- **Scoping Plan Consistency:** Building decarbonization measures are intended to maximize energy efficiency building and appliance standards, maximize distributed renewable energy generation and energy storage, eliminate the use of natural gas, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, pursue comparable investment in energy efficiency from all retail providers of electricity in California, and expand the use of green building practices. The Development Project would not conflict with pertinent Statewide action measures in the 2022 Scoping Plan. The Development Project would comply with the CALGreen standards and would include low-flow plumbing fixtures, drought-tolerant landscaping, and other features that would reduce water demand. The Development Project would implement the use of zero emission vehicles (ZEV) and ZEV infrastructure (1.e. electric vehicle chargers) and would increase the use of alternative means of transportation.

- **SCAG's 2020-2045 RTP/SCS:** Development Project comparison to the RTP/SCS is an appropriate indicator of whether the Development Project would inhibit the post-2020 GHG reduction goals promulgated by the State. The Development Project's consistency with the RTP/SCS goals is analyzed in detail in Table 4.8.N: Project Consistency with the 2020 RTP/SCS.

- **Air Quality Management Plan:** The Development Project would not conflict with applicable control measures within the 2022 AQMP. The Development Project's consistency with the AQMP goals is analyzed in detail in Table 4.8.O: Project Consistency with Applicable 2022 AQMP Control Strategies.

Therefore, with respect to this threshold, the Development Project does not have a significant impact. However, despite plan consistency, the Development Project's long-term operational impacts would exceed the City's threshold of 3,000 MT CO2e per year despite implementing PDFs and all feasible mitigation. Though implemented, despite this plan consistency (as detailed in Draft EIR Section 4.8), the Development Project's long-term operational impacts would exceed the City's threshold of 3,000 MT CO2e per year and therefore, could impede long-term GHG reduction goals of various plans (e.g., for 2030 and 2050) and result in a significant impact. (EIR Section 4.8.5.2).

Mitigation Measures

Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City finds that changes or alterations have been required in, or incorporated into, the Development

Project that avoid or substantially lessen the emission of GHGs into the environment. Based upon the analysis presented in Section 4.8 of the EIR, mitigation measures MM **GHG-1** through **MM GHG-7** have been identified to address this impact are feasible and made binding through the MMRP. In addition, **MM AIR-1 and AIR-2, as revised,** would also be applicable, and reduce GHG impacts to the extent feasible, though the impact would remain significant and unavoidable.

5.3 NOISE

5.3.1 Threshold 4.13.1

Impact Statement: The Development Project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Findings

Impacts of the Development Project related to Threshold 4.13.1 are discussed in detail in Draft EIR Section 4.13.6.1. Findings with respect to construction traffic noise impacts and operational noise impacts under Threshold 4.13.1 are discussed in Section 3.12 and are found to be less than significant.

With respect to construction noise impacts from equipment and construction work, the Development Project is required to comply with Mitigation Measure MM NOI-1, which would reduce impacts to the extent feasible, but impacts would remain significant and unavoidable. The City finds that the above mitigation measure is feasible, is adopted, and will reduce the proposed Project construction noise impacts attributable to construction work for the Development Project to the extent feasible. However, the City also finds that because it has yet to be determined if a noise barrier can be constructed on City right-of-way, construction noise impacts for construction of the roadway and utilities on Sunset Avenue would be considered significant and unavoidable and no further feasible mitigation to reduce this impact has been identified; therefore, a significant and unavoidable impact would result from construction noise with respect to the Development Project would result. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

Construction Noise Impacts Generated by Construction Equipment and Construction Work. Noise will be generated during mass grading, grading, sitework-utilities, building construction, paving, and architectural coating/tenant finishing on the Development Site. As discussed in Draft EIR Section 4.13.6.1. and shown in Table 4.13.L-M, construction noise levels would reach up to 85 dBA L_{max} (82 dBA L_{eq}) at a distance of 50 ft and residential buildings east of the Development Site along Sunset Avenue between Lincoln Street and Westward Avenue and the school building east of the Development Site on the southeast corner of Sunset Avenue and Westward Avenue in the City of Banning would be exposed to interior construction noise levels of 55.7 dBA L_{eq} and 60.4 dBA L_{eq}, respectively. This exceeds the City's interior construction noise standard of 55 dBA for more than 15 minutes per hour. Also, residential buildings south of the Development Site along Bobcat Road in the

County of Riverside would be exposed to interior construction noise levels of 56.4 dBA L_{eq}, which exceeds the City's interior construction noise standard of 55 dBA for more than 15 minutes per hour. Therefore, noise generated from Development Project construction activities would be potentially significant at these locations unless mitigation described under **Mitigation Measure NOI-1** is incorporated.

Mitigation Measures

Noise generated by project construction activities would be reduced to a less than significant level with the implementation of the Mitigation Measure NOI-1. Mitigation Measure NOI-1 includes the installation of minimum 10 ft high temporary construction barriers when Development Project construction activities are within 100 ft from the nearest residential structure and other measures to reduce noise impacts will reduce construction noise impacts associated with on-site construction of the Development Project to less than significant. However, because it has yet to be determined if a noise barrier can be constructed on City right-of-way during construction of roadway and utilities on Sunset Avenue, the City finds that construction noise impacts for construction of the roadway and utilities on Sunset Avenue is considered significant and unavoidable.

MM NOI-1 The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m.

During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Avenue, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction.

During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction.

The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.

5.4 TRANSPORTATION

5.4.1 Threshold 4.17.2

Impact Statement: The Development Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Findings

Impacts of the Development Project related to Threshold 4.17.2 are discussed in detail in EIR Section 4.17.6.3. The Development Project would result in a significant VMT impact. The Development Project is required to comply with Mitigation Measure MM TRA-1, which would reduce impacts to the extent feasible, but impacts would remain significant and unavoidable. The City finds that the above mitigation measure is feasible, is adopted, and will reduce the proposed Project transportation impacts attributable to trips generated by the proposed Project to the extent feasible. The City also finds that no further feasible mitigation to reduce this impact has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

For projects that are not residential, office, or retail land use types, the City Guidelines identify VMT per employee as the appropriate VMT metric for analysis. Therefore, the Development Project's industrial warehouse and hotel land uses were evaluated based on the metric VMT per employee.

The Development Project would exceed the City's adopted thresholds of 25.9 VMT per employee for the industrial and hotel uses. This would result in a potentially significant impact. To achieve a less than significant findings for non-retail VMT per employee, VMT would need to be reduced by 15.9 percent or 26,377 HBW VMT. The following project design features (PDFs) have the potential to reduce HBW VMT. These design features are based on coordination with the City staff and the recommendations contained within the City's Traffic Impact Analysis Guidelines and the Western Riverside Council of governments (WRCOG) TDM Strategies Evaluation Memo.

PDF T-1: Commute Trip Reduction Marketing. The Development Project will include a marketing strategy to promote the project site employer's CTR program. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT. The following features (or similar alternatives) of the marketing strategy are essential for effectiveness.

1. Onsite or online commuter information services.
2. Employee transportation coordinators.
3. Onsite or online transit pass sales.

The Development Project will provide tenant's employees material and online resources as a means to promote the commute trip reduction program. With proper implementation and 100 percent of the employees eligible, this design feature is expected to reduce VMT by 4 percent.

PDF T-2: Ridesharing Program. The Development Project will provide a ridesharing program and establish a permanent transportation management association with funding requirements for employers. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips and VMT. Ridesharing must be promoted through a multifaceted approach. Examples include the following:

- Designating a certain percentage of desirable parking spaces for ridesharing vehicles.
- Designating adequate passenger loading and unloading and waiting areas or ridesharing vehicles.
- Providing an app or website for coordinating rides.

The Development Project as designed, will provide carpool/vanpool/EV parking designated spaces in locations of easy and convenient accessibility to the Project building. As calculated for the Project, with proper implementation and 100 percent employees eligible, the Project is expected to reduce VMT by four percent.

PDF T-3: End-of-Trip Bicycle Facilities. The Development Project will install and maintain end-of-trip facilities for employee use. In this case End-of-trip facilities will only include bike parking. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT. End-of-trip facilities should be installed at a size proportional to the number of commuting bicyclists and regularly maintained.

The Development Project will include building elements for bicycle trip end facilities (i.e., parking) for commuters that choose to bicycle as a mode of travel. This will promote an alternative mode choice of commuting for employees. As calculated, the Project will reduce VMT by 0.06 percent.

As the reduction in trips and associated VMT cannot be accurately accounted for by the calculations conducted using the RIVCOM model, these adjustments are made through the following calculations as described in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. The PDFs will be incorporated into the Transportation Demand Strategy Report required under Mitigation Measure TRA-1. With implementation of the PDFs and MM TRA-1, as well as home-based work, VMT would be reduced 8.4 percent. The Development Project would need to reduce HBW VMT by 15.9 percent to fall below the City's adopted VMT impact threshold; therefore, the Project's impact to non-retail VMT per employee would remain significant and unavoidable. (Draft EIR Section 4.17.6.3).

Mitigation Measures

The following mitigation measure would require the preparation of a Transportation Demand Management (TDM) strategy report to reduce employee VMT. While the inclusion of PDFs T-1 through T-3 would reduce HBW VMT by 8.4 percent, Project generated VMT per employee still exceeds the City's adopted VMT impact threshold. Therefore, even with the implementation of **MM TRA-1**, Threshold 4.17.2 would remain significant and unavoidable.

MM TRA-1: Prior to issuance of occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) strategy report (as discussed in the Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis) for review and approval by the City Traffic/Transportation Manager, Transportation Demand Management (TDM) strategies have been incorporated into the project design including commute trip reduction marketing, rideshare program, and end-of-trip bicycle facilities.

6.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126 of the *CEQA Guidelines* requires that the EIR identify the significant irreversible environmental changes that would be involved should the proposed project be implemented (CEQA Guidelines Section 15126(d)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from environmental accidents associated with the project; or d) the proposed consumption of resources is not justified.

6.1 IMPACT STATEMENT

Although the Project would cause irreversible impacts to the environment, the impacts are not significant.

6.2 FINDINGS

The Development Project's potential to result in significant irreversible changes are discussed in detail in Section 7.1 of the Final EIR. The City finds that the Development Project would permanently alter the site by converting vacant and undeveloped land to commercial and industrial uses, which would commit future generations to similar uses in that area. Construction and operation of the Development Project would require the commitment of nonrenewable resources; however, the City finds that use of nonrenewable resources is not expected to negatively impact the availability of these resources. Accordingly, the City finds that these irreversible environmental changes are not significant. The City finds that as described in the analysis presented throughout the EIR, implementation of the Proposed Project would not result in significant and unavoidable environmental impacts that cannot be feasibly reduced or mitigated to below levels of significant, with the exception of air quality, greenhouse gas emissions, construction noise, and VMT impacts which are discussed in Section 5.0.

6.3 SUBSTANTIAL EVIDENCE

Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. As the Development Project site is currently vacant and undeveloped, converting it to commercial and industrial uses would result in a significant irreversible environmental change that would occur because of the Project implementation.

Natural resources in the form of construction materials and fuels would be utilized in the construction of the proposed Project, and energy resources in the form of electricity and natural gas would be used during the long-term operation of the Development Project; however, their use is not expected to have a negative impact on the availability of these resources and is not a significant irreversible environmental change. The proposed (mitigated) use of electricity on the Development Site would be approximately 25.570 gigawatt-hours (GWh) of electricity per year. According to the California Energy Commission (CEC), total electricity consumption in the Banning Electric Utility (BEU) service area in

2022 was 151.5 GWh (47.4 GWh for the commercial sector). In Riverside County, total electricity consumption in 2022 was 17,780.6 GWh (9,060.64 GWh for the residential sector and 8,720.0 GWh for the non-residential sector). The Project demand would represent approximately 16.9 percent of existing electricity consumption within the BEU service area and 0.14 percent of current electrical demand in Riverside County. Senate Bill (SB) 100 raised California's Renewable Portfolio Standard (RPS) requirement targets to 50 percent renewable by December 31, 2026 and 60 percent by December 31, 2030, and it requires all the State's electricity to be from carbon free resources by 2045. Based on its mix of generation sources, BEU currently has a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030; therefore, it is reasonable to conclude the BEU will continue this practice and that any increased energy demand from the Development Project and other uses will be adequately met with a majority of renewable energy resources. (Draft EIR Section 7.1).

The estimated potential increase (mitigated) in natural gas demand associated with the Development Project is 59,998 therms. Total natural gas consumption in the Southern California Gas Company (SoCalGas) service area in 2022 was 5,026.5 million therms. Within Riverside County, natural gas consumption totaled 431.1 million therms in 2022. The Development Project would increase annual natural gas consumption in the SoCalGas service area and Riverside County by approximately 0.001 and 0.01 percent, respectively. While the Development Project would increase energy demand, electricity in the City is increasingly provided by renewable sources and the Development Site will be required to implement applicable energy efficiency standard/features. As a result, operation of the proposed uses and utilizing natural gas would not result in significant irretrievable loss of non-renewable fuels or impact the availability of these energy resources for future generations or for other uses for the life of the Development Project.

The Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) has designated the majority of the Development Site (451.9 acres) as Farmland of Local Importance (L). The remaining portions of the Development Site are designated as Grazing Land (G) (76.83 acres) and Other Land (X) (3.97 acres). While mapping by the FMMP identifies 4,381.5 acres of Farmland of Local Importance within Banning and the conversion of locally important farmland to a non-agricultural use would be permanent and irreversible, it is not considered a significant impact under CEQA.

To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). The additional enhancement/restoration would ensure the long-term conservation of the riparian/riverine resources, preserving the function and value of on-site and downstream areas. While upland habitat throughout the Development Site will be permanently and irreversibly impacted by the Development Project, no candidate, sensitive, or special-status species occur in these areas. No federally or State-listed endangered or threatened species or special-status plant or amphibian species occur within the Development Site. As a result, no impacts would occur with respect to these categories of species.

While burrowing owl have been identified on site and would be directly and indirectly impacted by Development Project construction, as stated in Section 4.4.6.1 of this EIR, impacts to this species are reduced to less than significant through the implementation of mitigation. Los Angeles pocket mouse occur on site and would be directly and indirectly impacted by the Development Project. However, the predominant areas of occupation (the existing drainages) will be maintained. Additionally,

mitigation has been identified that would reduce potential impacts to this species to a less than significant level.

The conversion of the Development Site from undeveloped to developed uses has been previously considered by the City through previous designation of the site for residential and commercial development in its General Plan, and implementation of the Development Project would result in the removal of existing vegetation, modification of topography, and the subsequent installation of buildings and supporting infrastructure that represents a permanent and irreversible change in nature of on-site biological resources. Nonetheless, the direct impacts to biological resources resulting from the Development Project are fully mitigated and less than significant.

The 533.8-acre Development Site is currently undeveloped and represents an open space area resource in Banning. While the Development Project would retain existing drainage features and other open space areas within 65.6 acres, development pursuant to the Specific Plan would result in the conversion of open, natural areas to a collection of industrial and commercial buildings and a supporting inventory of ancillary features/facilities (e.g., roadways, parking areas, lighting, signage, landscaping, utilities). The conversion of the site to urban uses represents a permanent and irreversible change in the existing aesthetic character of the site.

Commercial and industrial uses operated on the Development Site may include the use and disposal of some amount of hazardous waste along with limited use of pesticide and herbicides for landscape maintenance. Vehicles accessing the uses on the Development Site would contain oil and gasoline to power their engines, which could have the potential to result in minor releases of such substances through drips or leaks in parking areas. Transport truck traffic to and from the Development Site, including transport refrigeration units (TRUs), or refrigerated trucks transporting perishable material may also contribute to minor releases of oil and gasoline in the loading dock areas in addition to the parking areas. Specific Plan uses are not anticipated to generate or use major hazardous materials, or create unusually high quantities of hazardous waste, and would be required to prepare Hazardous Materials Business Plan(s) (as appropriate). Because no such hazards currently exist on site, development per the Specific Plan would extend the potential for accidental hazardous material release/upset through the lifetime of the project but would not constitute a significant impact.

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7.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Development Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment, and includes removing obstacles to population growth (CEQA Guidelines Section 15126.2(e)).

Impact Statement: The Development Project would not have significant growth inducing impacts.

7.1 FINDINGS

The Development Project's potential to result in growth-inducing impacts is discussed in Subsection 7.2 of the EIR. Based on the entire record, the City finds that the Development Project would not directly or indirectly induce growth in the surrounding area, which could result in significant adverse effects to the environment.

7.2 SUBSTANTIAL EVIDENCE

Pursuant to Sections 15126(d) and 15126.2(e) of the *CEQA Guidelines*, an EIR must discuss the ways in which a proposed project could foster economic or population growth, the construction of additional housing (either directly or indirectly) in the surrounding environment or remove obstacles to population growth. This discussion is included in Subsection 7.2 of this EIR to provide additional information on ways in which this project has the potential to contribute to significant changes in the environment, beyond the direct consequences of developing the Development Project established in earlier chapters in the EIR. To address this issue, potential growth-inducing effects are assessed by determining if the Development Project would: (1) remove obstacles to population growth through the construction or extension of major otherwise unplanned for infrastructure facilities that do not presently exist in the project area (e.g., a major expansion of a wastewater treatment facility); (2) by increasing population, tax existing community service facilities, thereby requiring construction of new facilities, which could cause significant environmental effects that could significantly affect the environment; or (3) include project characteristics that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Each of these issues is discussed below.

The Development Project does not require off-site construction or extension of infrastructure that was not already considered, planned for and approved by the City. While the Development Project will underground certain existing utility lines along the perimeter of the Development Site, it will not extend transmission utility lines in other areas. The installation of utilities is to connect the Development Site with existing utility lines abutting the site. The installation of wet utility facilities (e.g., water, wastewater, recycled water) required for the Development Project would connect to existing City systems, and additional identified construction is for planned for infrastructure identified in the Integrated Master Plan (IMP) and developed pursuant to the City's Capital Improvement Plan (CIP) and would not extend infrastructure beyond that already planned for the City. In addition to these specific facilities, the Development Project will include the extension of water, recycled water, natural gas, and communication (cable, telephone service) to the Development Site. Necessary

infrastructure improvements for these services would extend from existing or planned infrastructure locations and would only serve the Development Site. The proposed improvements would not extend utility or roadway infrastructure in areas further removed from the Development Site and therefore would not directly or indirectly induce additional unplanned development in intervening areas.

To comply with the requirement in Government Code Section 66300 et seq. that there be no net loss of residential capacity, 1,146 units of residential capacity from the Development Site will be moved to the Mt. San Jacinto College (MSJC) Site to land currently designated for Public Facility uses[5], which upon rezoning, would accommodate development of a maximum of 1,181 residential units on the 49.2 acre site. This entitlement serves to ensure no net loss of residential units within the City and preserves the development of planned housing. It does not significantly increase the maximum number of housing units to be built in the City and does not represent an increase in residential uses or population. Improvements to adjacent infrastructure would be required to accommodate development on the MSJC Site regardless of the future use; therefore, the MSJC Entitlements and any subsequent Very High Density Residential (VHDR) uses would not directly or indirectly result in growth not already planned for and anticipated by the City.

As discussed in Chapters 3.0 and 6.0 of this EIR, the City has either previously approved or is in the process of considering various public improvements that it will implement that may occur on or adjacent to the Development Site. Each of these has either undergone prior review or is under consideration by the City and would proceed with or without development of the Development Project, and each is intended to provide infrastructure to serve planned growth within the City and its Sphere of Influence. Although these public facilities projects would be carried out on land within or adjacent to the Development Site, they are not part of the Development Project, are already planned for, and do not serve to make the Development Project growth inducing. (See Subsection 7.2.1.3 of the Draft EIR.)

In addition, although the Development Project does not create the need for development of another fire station within the City, at the City's request, the Specific Plan identifies a site in Planning Area 12 to be reserved for a possible future fire station use if desired by the City. However, because neither the City nor the Riverside County Fire Department has considered nor identified a need for a fire station at this location, there is no current plan for development of a fire station. Accordingly, development of a fire station at the Development Site is considered speculative and is not growth inducing. If the City and County Fire Department elect to proceed with a fire station at a future date, they would be responsible for the planning, design, construction, and future environmental analysis and development of the fire station.

The related public facilities projects described above are either sized specifically for the Development Project or already planned for by the City in its General Plan, or in connection with other approved projects. The Development Project does not require construction of new community services facilities to serve it. Because the Development Project maintains existing housing capacity by moving

[5] In collaboration with the Beaumont Unified School District, MSJC is housing the Beaumont Middle College High School at the San Gorgonio Pass Campus. The middle college high school is designed to raise graduation rates, prepares students for transfer to a 4-year institution or an associate degree, and serves underrepresented students.

residential units from the Development Site to the MSJC Site, and the jobs created by the Development Project will serve to improve the jobs-housing balance by creating job opportunities in the City and nearby area, the Development Project will not increase population in the City. When considered together, it is reasonable to conclude the Development Project would not facilitate unplanned growth that could significantly affect the environment.

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8.0 FINDINGS REGARDING MSJC ENTITLEMENTS

8.1 MSJC ENTITLEMENTS

The MSJC Entitlements are comprised of (1) a General Plan Land Use Amendment (GPA) and (2) a change to the Official Zoning Map (ZC) on the MSJC Site to change the land use designation and zoning from PF–S (Public Facilities-Schools) to VHDR (Very High Density Residential), with a density range of 18–24 dwelling units per acre (18-24 DU/AC).[6] The City's VHDR land use designation authorizes condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The City will establish by ordinance a specific plan overlay (Overlay) coterminous with the MSJC Site boundary. The Overlay would require preparation and adoption of a Specific Plan, pursuant to Chapter 17.96 of the Banning Municipal Code (BMC) prior to development of VHDR residential uses on the MSJC Site. While the adoption of the MSJC Entitlements would rezone the MSJC Site to allow very high-density residential uses, no residential development application has been filed or is contemplated for the MSJC Site at this time. The Overlay would ensure the MSJC Site be developed in a cohesive manner, account for the provision of adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability), and would provide the opportunity for clustering of residential development, to provide for a mixed-use school facility and residential development on the property. Refer to Section 3.6.2 of the Draft EIR for further discussion of the proposed entitlements.

The MSJC Entitlements were analyzed at a programmatic level in Chapter 5.0 of the Draft EIR, consistent with *CEQA Guidelines* §15168 because they are logical parts in the chain of contemplated actions (*CEQA Guidelines* §15168). Consistent with the requirements set forth in Public Resources Code §21068.5 and *CEQA Guidelines* §§15152 and 15168(c), later activities (i.e., any future project level activity at the MSJC Site, such as adoption of the required specific plan) could be tiered from, and would be examined in light of, the information in this programmatic analysis to determine whether an additional environmental document must be prepared to evaluate project-level environmental impacts associated with development of the MSJC Site. As such, these finding reflect, to the extent feasible and practicable, the programmatic nature of the MSJC analysis contained in Chapter 5.0 of the Draft EIR.

8.1.1 Aesthetics

Impact Statement: The MSJC Entitlements would result in no impact or less than significant impacts to aesthetic/visual resources.

Finding

The programmatic analysis of the MSJC Entitlements related to aesthetic and visual resources is discussed in Section 5.4.1.2 of the Draft EIR. The City finds that no impact or no significant impact (depending upon the threshold measured) to aesthetics would result from approval of the MSJC Entitlements. The City finds that implementation of the MSJC Entitlements would not result in significant impacts related to aesthetics; therefore, no mitigation is required.

[6] General Plan Amendment 22-2502 and Zone Change 22-3502.

Substantial Evidence

The MSJC Entitlements themselves do not propose any development on the MSJC Site. While the type, quantity, location, configuration, orientation or design of development that may occur on the MSJC Site subsequent to the adoption of the entitlements, if any, is unknown, it is reasonable to expect that the VHDR uses would include the construction of individual and/or clusters of multi-storied buildings and site improvements (e.g., access roads, parking, sidewalks, lighting, enhanced landscaping, signage, utility infrastructure, etc.) necessary to support new high density residential development. Future development of the MSJC Site would require adoption of a specific plan to regulate the site plan and design of the uses; therefore, such future development would be expected to be well regulated and aesthetically consistent with the surrounding land uses. There are no designated scenic vistas visible from the MSJC Site. The placement of residential structures on the MSJC Site will alter views of the San Jacinto Mountains from public spaces, but the extent of any such alternation of views will be determined based on the location, orientation, and height/mass of future structures. The San Jacinto Mountains located approximately 1.3 miles south of the MSJC Site rise to a height of 10,804 feet amsl; therefore, it is not likely development of multi-story VHDR[7] uses would completely obstruct views of these mountains from adjacent roadways. It should be noted that MSJC Site frontage extends approximately 0.35 mile along Westward Avenue. The posted speed along this segment of Westward Avenue is 40 miles per hour (mph); therefore, any potential change in views to the San Jacinto Mountains would be available to travelers on Westward Avenue for approximately 30 seconds only. Adherence to future site-specific aesthetic guidelines, no significant impact to a scenic vista would result from adoption of the MSJC Entitlements or subsequent development of the MSJC Site.

State Route 243 (SR-243) is an Officially Designated State Scenic Highway and is located approximately 1.3 miles east of the MSJC Site. The MSJC Site is bounded by existing, approved, or proposed development on three sides (residential to the north, Rancho San Gorgonio to the south and east, and the Development Site to the west. Due to intervening topography, distance, existing buildings, and vegetation (i.e., trees), the proposed MSJC Site is not directly visible from SR-243. As such, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway; therefore, no impact would occur.

The City has not identified the MSJC Site as a scenic resource. Because the MSJC Entitlements would not result in any physical development at this time, the aesthetic condition of the site would remain unchanged until such development is subsequently initiated by an interested party at some future point in time. It is anticipated the review and approval of any future VHDR residential development on the MSJC Site would conform to the City standards and/or specific plan guidelines, including but not limited to site planning and grading, building design and architecture, requirements for open space, landscaping, and lighting in effect at the time of said review. Therefore, it is not anticipated that development of the MSJC Site would degrade the existing visual character or quality of MSJC Site and surroundings area(s). No significant impact would result.

[7] City of Banning Municipal Code: 17.08.030, Table 17.08.030 (Residential Development Standards), maximum height of four stories (60 feet).

New development accommodated by the MSJC Entitlements would require a consistency review of regulations related to aesthetics, light, and glare contained in the Title 17 (Zoning Code) of the City's Municipal Code. Chapter 17.24.100 requires that exterior lighting be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. It is reasonable to anticipate applicable provisions of the City's Municipal and/or any future specific plan required for the MSJC Site will follow lighting guidelines to reduce nighttime light pollution; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not create a new source of substantial light and glare that would adversely affect day or nighttime views in the area and no significant impact would occur.

8.1.2 Agricultural and Forestry Resources

Impact Statement: The MSJC Entitlements would not result in a significant impact to agricultural or forestry resources.

Finding

The programmatic analysis of the MSJC Entitlements related to agricultural and forestry resources is discussed in Section 5.4.2 of the Draft EIR. The City finds that no impact would result from approval of the MSJC Entitlements. The City also finds that implementation of the MSJC Entitlements would not result in significant impacts related to agricultural or forestry resources; therefore, no mitigation is required.

Substantial Evidence

No portion of the site is designated as Prime, Unique or Statewide Important Farmland which is considered by CEQA to be a potential significant impact, most of the MSJC Site (45.65 acres) is considered Farmland of Local Importance, and the remaining portion (3.54 acres) of the MSJC Site is designated as "Urban/Built Up Land"; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any such farmland and no impact would occur. No Williamson Act contracts currently exist on the site. The MSJC Site is designated "Public Facilities" under the City's General Plan and zoning; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any Williamson Act contract land or land zoned for agriculture or forestry/timberland to a non-agricultural or non-forestry use, and no impact would occur. There is no evidence of any current or on-going agricultural activity, forest, or timberland resources on the MSJC Site; therefore, the MSJC Entitlements and subsequent development of the MSJC site would not contribute or catalyze the conversion of active agricultural or forest land to other uses; therefore, no impact would occur.

8.1.3 Air Quality

Impact Statement: Adoption of the MSJC Entitlements would not result in the generation of pollutants; therefore, no significant air quality impact would occur. The City's General Plan includes a mechanism requiring project-specific air quality analysis for proposed physical development of the MSJC Site. Absent a specific proposal for development of VHDR on the MSJC Site, a project-specific air quality analysis showing air quality impacts associated with VHDR development on the MSJC Site, the effectiveness of the regulatory compliance and mitigation measures, cannot be determined. In the

absence of the ability to conduct such assessment, potential air quality impacts resulting from future development of the MSJC Site may be significant.

Finding

The City finds that because the MSJC Entitlements would not result in development at this time, no significant air quality impacts would result from adoption of the entitlements. The programmatic analysis of the MSJC Entitlements relative to air quality is provided in Section 5.4.3 of the Draft EIR. Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City, the City finds that MSJC Entitlements would be consistent with the 2022 AQMP if development is limited to 1,146, but that assessment of air quality impacts would be needed to determine if the incremental increase in units up to 1,181 units would result in air quality emissions that exceed established air quality thresholds. The City further finds that total project emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified at this time, that the City will require preparation of a project-specific air quality analysis evaluating the potential for generating emissions that could exceed established air quality thresholds or cause a significant air quality impact. Without a project-specific analysis, the City finds it would be speculative to reach a significance conclusion about whether potential air quality impacts exceed thresholds of significance, whether development of VHDR would result in a cumulative increase of criteria pollutants or expose sensitive receptors to substantial pollution, and whether any potential impacts could be mitigated to less than significant. In the absence of project plans, and based on the programmatic analysis, future development on the MSJC Site may result in a significant air quality impact but assessment of air quality impacts needs to be deferred to a project-level analysis. The City finds that the Regulatory Compliance Measures (RCMs) which require adherence to South Coast Air Quality Management Rules to minimize emissions from construction (MSJC Site RCMs AQ-1 through AQ-3) and to minimize objectionable odors (MSJC Site RCM-AQ-4) are feasible, adopted and would reduce air quality emissions. The City additionally finds its General Plan Air Quality Element Policy 4, and related programs, provide a feasible and appropriate method to identify and address potential air quality impacts that may result from the future development of residential uses on the MSJC Site. The City further finds that neither construction nor operation of VHDR development on the MSJC Site would result in objectionable odors.

Substantial Evidence

Consistency with the Air Quality Management Plan (AQMP) is based on two criteria: (1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located within the SCAG region; and (2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Because the MSJC Entitlements do not propose development at this time, approval would not result in air quality emissions and the MSJC Entitlements are consistent with the AQMP.

The approval of the MSJC Entitlements would transfer residential capacity of up to 1,181 from the Development Site to the MSJC Site; however, there would be no significant increase in the inventory of residential units or population growth in the City that was not planned for and included as part of SCAG forecasts. The MSJC Entitlements would transfer an estimated 1,146 residential units, which are accounted for in the Air Quality Management Plan (AQMP). Because the MSJC Entitlements would

not result in a significant increase in the inventory of residential units or population growth in the City, the MSJC Entitlements would be consistent with the first criterion. The second criterion requires a project to determine whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The South Coast Air Basin (Basin) is currently designated as nonattainment for the federal and State standards for O_3 and $PM_{2.5}$. In addition, the Basin is in nonattainment for the State PM_{10} standard. Specific information about the footprint of land use development on the MSJC Site, and the duration, frequency, and intensity of construction, potential overlap between construction and occupation of any residential uses are neither known nor available at this time. The density of residential uses on the MSJC site at buildout is also not known at this time. The MSJC entitlements transfer the potential for 1,146 units but could incrementally increase to 1,181 units depending on unit density at buildout. Therefore, emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified (Draft EIR, Section 5.4.3.2).

The MSJC Entitlements themselves do not include a physical project that would emit pollutants, compromise, or conflict with the AQMP, or jeopardize attainment of the air quality levels identified in the AQMP. The City's General Plan Air Quality Element, Policy 4 states, "Development Proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impact." The City has identified Program 4.A and 4.B to ensure development projects are consistent with this policy (Draft EIR, pg 5-17):

> **Program 4.A:** Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.
>
> **Program 4.B:** Provide consistent and effective code enforcement of construction and grading activities and offroad vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.

As part of the development process, future proposals on the MSJC Site would be required to prepare a project-specific air quality analysis evaluating the proposal's potential to exceed established air quality thresholds, result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment, or expose sensitive receptors to substantial pollutant concentrations. In the absence of project plans, future development on the MSJC Site may result in a significant impact, but it would be speculative to reach a conclusion, and assessment of air quality impacts needs to be deferred to a project-level analysis. Once a specific development plan for the MSJC Site has been proposed, pursuant to Policy 4, an air quality analysis needs to be prepared for development of the MSJC Site to quantify all construction and operational emissions, and whether other mitigation would be identified to reduce the significance of any air pollutant that exceeds the construction and/or operational significance thresholds established by the South Coast Air Quality Management District (Draft EIR, pg 5-17).

The SCAQMD develops rules and regulations, establishes permitting requirements, inspects emissions sources, and enforces such measures. These Rules have been previously summarized in Section 4.3.4.3 of the Draft EIR. Any construction for new development occurring on the MSJC Site would be required to conform to applicable SCAQMD rules, including Rule 401 (Visible Emissions), Rule 402 (Nuisance), Rule 403 (Fugitive Dust), and Rule 1113 (Architectural Coatings) to reduce emissions, dust, and volatile organic compounds during project construction, as well as other applicable rules governing air pollutant emissions (Draft EIR, pg 5-18). Heavy-duty equipment engaged on the MSJC Site during construction would emit odors, primarily from the vendor trucks and heavy-duty off-road equipment exhaust. This odor may be noticeable to nearby sensitive receptors (e.g., residential uses north of the MSJC Site and MSJC campus facilities); however, these odors would also dissipate quickly beyond 300 feet from a source and would be temporary in nature. Development on the MSJC Site would include VHDR units that would not be a significant source of odor emissions. City and County regulations require trash storage areas for multi-family residential to be in an enclosed area to limit air circulation, and through adherence to City and County regulations, odors from the trash storage areas would be less than significant. Furthermore, compliance with SCAQMD Rule 403 (construction), Rule 402 (operation), and City regulations (including Municipal Code Chapter 8.48, Nuisances; construction and operation) would apply to any development occurring on the MSJC Site, reducing the significance of such impacts (Draft EIR Section 5.4.3.2).

8.1.4 Biological Resources

Impact Statement: No impact would result from approval of the MSJC Entitlements. Subsequent development of the MSJC Site, as allowed by the MSJC Entitlements, could have a significant impact on biological resources without the implementation of mitigation measures.

Finding

The programmatic analysis of the MSJC Entitlements related to biological resources is provided in Section 5.4.4 of the Draft EIR and includes analysis of the following thresholds related to biological resources.

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The City finds that with respect to the above thresholds that MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to biological resources from adoption of these entitlements would be less than significant. The City finds that with the respect to the above thresholds subsequent development of the MSJC Site with VHDR uses could potentially impact biological resources; therefore, implementation of MSJC Mitigation Measures BIO-1 through BIO-5 is required to reduce the potential impacts to biological resources resulting from subsequent development on the MSJC Site to a less than significant level. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts to biological resources resulting from the MSJC Entitlements or subsequent development of the MSJC Site to less than significant.

Substantial Evidence

Currently, campus facilities are developed on three parcels, which collectively encompass 8.3 acres of the 49.2-acre MSJC Site. The remaining portion of the MSJC Site is vegetated with a mosaic of Riversidean sage scrub, grassland, and water habitats generally sloping from northwest to southeast, following the typical drainage characteristics of the City. There are two drainage features that traverse the MSJC Site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. Due to the meandering course of this drainage, the MSJC Site encroaches onto this feature.

A review of the MSJC Site using the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Conservation Summary Generator indicates that the MSJC Site is not within designated survey areas for Criteria Area Plant Species or Amphibians but that it is within designated survey areas for the following species:

- **Burrowing Owl:** The MSJC Site is located within the MSHCP designated burrowing owl (*Athene cunucularia*) survey area. Mapped vegetation in the area shows most of the site is non-native grassland and therefore potentially provides suitable habitat on site for burrowing owl.

- **Narrow Endemic Plants:** The MSJC Site is located within a MSHCP designated Narrow Endemic Plant Species Survey Area (NEPSSA) for two species: Marvin's (Yucaipa) onion (*Allium marvinii*) and many-stemmed dudleya (*Dudleya multicaulis*). Vegetation communities mapped by the Western Riverside County Regional Conservation Authority (RCA) (2021) within the MSJC Site includes Riversidean sage scrub habitat and soils include sandy loam both attributes potentially provide suitable habitat for these two species.

  The MSHCP Information Tool indicates that the entire MSJC Site lies within the NEPSSA for Marvin's (Yucaipa) onion and many stemmed dudleya. Although these plant species have an affinity for clay soils, they are not clay obligates. Suitable habitat and/or soils on site are consistent

for both plants to occur, although there are no many-stemmed dudleya records in the area. Historic records for the Marvin's onion occur less than a mile from the MSJC Site on soils not mapped as clay. Neither species has been observed during past survey efforts on neighboring properties.

- **Los Angeles Pocket Mouse:** A portion of the MSJC Site is located within the survey area for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). This species is classified as a 'Species of Special Concern.' It prefers sandy soils for burrowing within coastal sage scrub and similar habitats in Los Angeles, Riverside, and San Bernardino Counties. It is nocturnal and active late spring to early fall. Suitable conditions for the species appear to be present on site.

- **Riparian Birds:** Existing drainage features on site may potentially provide habitat for riparian bird species such as the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax trailii extimus*), or the yellow-billed cuckoo (*Coccyzus americanus*).

- **Fairy Shrimp:** Based on the "desktop reconnaissance" conducted for the MSJC Site, a habitat assessment and focused survey(s) for fairy shrimp will need to be conducted during wet season surveys initiated at first storm of fall season and during dry season surveys on pools identified during the wet season to determine the suitability of habitat found on the site. Surveys will need to be conducted at the beginning of the development planning for the residential units on the MSJC Site.

- **Nesting/Migratory Birds:** The MSJC Site contains suitable nesting habitat for nesting songbirds and raptors protected under the Migratory Bird Treaty Act (MBTA) and State code. These laws protect most nesting native bird species, both directly and indirectly, and impacts can be minimized or eliminated by conducting work activities outside of the breeding season.

As the MSJC Site has not been formally or thoroughly surveyed, development-specific biological resource survey(s) are required prior to any ground disturbance. The City is a permittee under the MSHCP, there are requirements with which the City must comply concerning biological species. Mitigation Measures in the General Plan EIR[8] require compliance with MSHCP policies, including the conduct of species-specific focused surveys (as appropriate) for burrowing owl, narrow endemic plants, the Los Angeles pocket mouse, and riparian communities/drainages. The specifics of potential biological resource impacts and level of required mitigation, if any, will not be known until required site surveys are conducted. MSJC Mitigation Measures BIO-1 through BIO-5 are applicable to any development of the MSJC Site. These measures require, 1) conduct of a habitat assessment and identification of required focused surveys, 2) completion of required focused surveys, 3) evidence the mitigation recommended or required in the focused surveys has been incorporated into project design and/or satisfied pursuant to review of the Regional Conservation Authority, 4) receipt of required regulatory permits, including the incorporation into the project design, those features and/measures identified and required by the permitting authority(ies); and 5) submittal of evidence that any drainages have been avoided and/or impacts to drainage features have been minimized to the extent feasible and that appropriate buffer area(s) have been established to appropriately

[8] City of Banning. 2005. *Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance*, Section III(F)(3).

separate on-site drainage features from any subsequent development that may occur on the MSJC Site (Draft EIR Section 5.4.5.1).

The City's Municipal Code, Chapter 15.72.050, details the purpose and procedures for adherence to applicable provisions of the MSHCP including habitat evaluation, implementation requirements for protection of riparian/riverine areas and narrow endemic species, conduct of required focused biological species, and compliance with MSHCP guidelines for urban/wildland interface. Chapter 15.72 requires the imposition of conditions or mitigation to ensure each project complies with the applicable biological resource protection polices detailed in the MSHCP. The implementation of MSJC Mitigation Measures BIO-1 through BIO-5 and the payment of required MSHCP fees ensures the effects of any subsequent development of the MSJC Site on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species would be fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code; therefore, a less than significant impact would occur from development of the MSJC Site.

8.1.5 Cultural Resources

Impact Statement: Due to identification of elements associated with Barker Ranch (sites P-33-013778/P-33-009176), which existed on both sides of what is now Sunset Avenue, future development of the MSJC Site has the potential to affect previously undetected historic and/or archaeological material associated with Barker Ranch.

Finding

The programmatic analysis of the MSJC Entitlements related to cultural resources is discussed in Section 5.4.5 of the Draft EIR. The City finds that the MSJC Entitlements would not result in a physical disturbance; therefore, the impacts to cultural resources from adoption of these entitlements would be less than significant. The City finds that subsequent development of the MSJC Site with VHDR uses could potentially impact cultural resources; therefore, implementation of MSJC Mitigation Measure CUL-1, including the application of Standard City Measures CUL-1 through CUL-6 as appropriate, would be necessary to reduce the potential impacts to cultural resources to a less than significant level. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts to cultural resources resulting from the MSJC Entitlements or subsequent development of the MSJC Site.

Substantial Evidence

The results of the records search conducted for the Development Project identified 68 previously recorded resources (one prehistoric isolate and 67 historic sites, buildings, and features) within one mile of the Development Site. Of the resources identified within the records search, one, P-33-009176, is located within the MSJC Site, at the southeast corner of Sunset and Westward Avenues. This site (P-33-009176 originally contained historic buildings associated with a ranch complex tied to the Barker Ranch, which extended across Sunset Avenue into the Development Site. The records search additionally identified three previous studies that explicitly included the MSJC Site, and portions of the MSJC Site have been included in surveys conducted for other projects none of which identified

any cultural resources within the site. However, these studies are older and would not be considered current for evaluating cultural impacts.

The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to cultural resources resulting from these actions would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact undiscovered historic and archaeological resources. The specifics of potential cultural resource impacts and level of required mitigation, if any, will not be known until a site-specific survey is conducted once a specific development project is proposed therefore, MSJC Mitigation Measure CUL-1 is required. This measure requires preparation of a Cultural Resources Assessment by a Secretary of the Interior (SOI) qualified professional which would include, but not be limited to, (1) an updated archaeological records search, (2) an intensive pedestrian survey of the MSJC Site, (3) an evaluation of significance of any cultural resources identified, and (4) the preparation of a Phase I report of the findings with recommendation and potential mitigation. Based on the outcome of any required cultural resource assessment, further compliance with the City's standard cultural resource mitigation measures CUL-1 through CUL-6 (as detailed in Draft EIR, Section 4.5.6.1, page 4.5-17 through 4.5-19) may be required. These standard measures would, (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations.

The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to cultural resources resulting from these actions would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact undiscovered historic and archaeological resources, or disturb human remains. Implementation of mitigation measures MM CUL-1 through MM CUL-6 would reduce the potential impacts to archaeological, and historical resources or human remains on the MSJC Site to a less than significant level.

8.1.6 Energy

Impact Statement: The MSJC Entitlements would not result in significant impacts concerning the wasteful, inefficient, or unnecessary use of energy resources, or conflict with state or local plans for renewable energy or energy efficiency.

Finding

The programmatic analysis of the MSJC Entitlements related to energy resources is provided in Section 5.4.6 of the Draft EIR. The City finds that implementation of the MSJC Entitlements and future development of the MSJC Site would not result in significant impacts related to use of energy

resources or conflict with state or local plans for renewable energy or energy efficiency; therefore, no mitigation is required.

Substantial Evidence

As stated in Sections 4.6 and 5.4.6.2 of the Draft EIR, future use of the Project Sites would incorporate the most current energy efficient, energy conserving designs, and install required renewable energy features; adhere to vehicle fuel efficiency requirements; and install the fixtures, features and facilities meeting the energy efficiency requirements in effect at the time of development.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. Therefore, the proposed MSJC Entitlements themselves would not generate any demand for energy resources. The MSJC Entitlements avoid the net loss of residential capacity and do not significantly increase residential capacity or units in the City, if at all. The MSJC Entitlements shift the entitlement for 1,146 residential units from the Development Site to the MSJC Site. Because the MSJC Entitlements would allow for up to 1,181 VHDR units on the MSJC Site, it is possible that 35 more units than currently planned for in the City could be added. Nevertheless, it is not anticipated that physical development of housing units on the site would increase impacts to energy resources or result in the inefficient use of energy resources differently than accounted for in current City planning documents.

Any construction on the MSJC Site would require energy for the transport of building materials, preparation of the site for grading activities, utility installation, paving, building construction and architectural coating, the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles. Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Any development of the MSJC Site with VHDR uses would increase the demand for vehicle fuels, electricity, and natural gas over current uses.

The 2022 Energy Code (effective January 1, 2023) establishes specifications related to electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards. As such, the MSJC Entitlements would be subject to the 2022 standards or later, as applicable. Compliance with the standards would be confirmed by the City during the plan check process prior to permitting. It is anticipated that energy conserving requirements in the Building Code will continue to increase, thereby providing greater energy efficiency for residential uses. Adherence to established standards related to fuel efficiency, the incorporation of energy conservation measures into project design, and installation of energy efficient features is a required of any development in the City. Whether and how additional energy efficiencies would be incorporated into the design and operation of the VHDR units is unknown and speculative. Minimally, it is reasonable to estimate that future development on the MSJC Site would not use energy in a wasteful, inefficient, or wasteful manner; therefore, no significant impact would occur.

In 2010, the California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards, referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is updated on a regular basis, and the 2022 update became effective on January 1, 2023. The CALGreen Code establishes mandatory measures for residential and non-

residential building construction and encourages sustainable construction practices in the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. Although the CALGreen Code was adopted as part of the State's efforts to reduce greenhouse gas (GHG) emissions, the CALGreen Code standards have co-benefits of reducing energy consumption by residential and non-residential buildings. The 2022 CALGreen updates include specific requirements for the installation of EV charging and solar facilities for residential and non-residential buildings, including solar systems for multifamily buildings that are four stories or higher.

As established in Chapter 15.08.010 of the City's Municipal Code, the City has adopted the CBC and CALGreen (and other relevant codes) "…for the purposes of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of building and structures." Any future development on the MSJC Site would obtain electrical power from BEU which has a mix of generation sources in its renewable portfolio. In 2022, BEU maintained a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030 (see Final EIR, Section 3.0, response to Comment A-3-64). In addition, BEU is required to comply with SB 100's requirement for a one hundred percent renewable portfolio by 2045. As required by BMC, it is reasonable to anticipate that any development of VHDR uses on the MSJC Site would conform to applicable provisions of the CALGreen Code in effect at the time such development occurs; accordingly, the MSJC Entitlements and subsequent development of the MSJC Site would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency; therefore, no impact would occur.

8.1.7 Geology and Soils

Impact Statement: The MSJC Entitlements would not result in a significant impact related to geology and soils (risk of loss due to earthquakes, seismic ground failure, or landslides, substantial erosion or loss of topsoil, unstable soil, expansive soil, or soils incapable of supporting septic tanks). Impacts from subsequent development of the MSJC Site would be less than significant (geologic) and potentially significant (paleontological).

Finding

The programmatic analysis of the MSJC Entitlements relative to geology and soils is provided in Section 5.4.7 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any physical changes to the MSJC Site and therefore would not result in a significant impact. The City further finds that development of the MSJC Site could result in significant impacts related to geology and soils. The City finds that the Regulatory Compliance Measures (RCMs) identified in Section 5.4.7.2 which require, among other requirements, the future development project to prepare and follow the recommendations detailed in the MSJC Site-specific geotechnical evaluation would ensure impacts relative to seismic ground failure, fault rupture, seismic shaking, landslides, erosion or loss of topsoil, and unstable/expansive soil, would not be significant; therefore, no mitigation is required. The City finds that no impacts related to septic tanks or other alternative waste water disposal systems would occur from future development of the MSJC Entitlements because it is expected that future development on the MSJC Site would connect to the City's sewer system.

The potential impacts related to paleontological resources resulting from development of the MSJC Site are addressed in Section 5.4.7.2 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any impacts to unique paleontological resources or unique geologic features. The City further finds that subsequent development on the MSJC Site could result in potentially significant direct impacts to paleontological resources within the Project site should such resources be discovered during Project-related construction activities; therefore, Mitigation Measures MSJC Site GEO-1 and GEO-2, are required. The City further finds that no unique geologic features would be impacted by future development of the MSJC Site. The City has determined that these measures are appropriate and feasible as incorporated into the project and would avoid or reduce impact to paleontological resources to a less than significant level.

Substantial Evidence

The San Andreas Fault Zone is located approximately six miles northeast, and the active Banning Fault Zone, a branch of the San Andreas Fault Zone, is located approximately 1.20 miles northeast of MSJC Site. The San Jacinto Fault Zone is located approximately nine miles southwest of the MSJC Site. The nearest known active fault is the San Gorgonio Fault Zone, to the north. As the San Andreas Fault Zone marks the boundary between the Pacific and North American Plates, the City and immediate area continues to experience seismic activity, though no active or potentially active fault of "Alquist-Priolo" Earthquake Fault Zone or City designated Fault Hazard Management Zone is located within the limits of the MSJC Site. Per the City's General Plan[9] the MSJC Site is not located in an area with mapped faults or seismic settling potential. Furthermore, the liquefaction potential of the site is "low,"[10] nor within an area of a known susceptibility for landslides.[11] Due to the distance of large bodies of water from the MSJC, the possibility of seiches, tsunamis, and inundation due to failure of large water storage facilities is considered low. FEMA designated Flood Zone X traverses the MSJC Site in from Westward Avenue in a northwest-southeast direction, while Flood Zone A[12] associated with Pershing Creek is located along the southern boundary of the MSJC Site.[13] As with the Development Project, any development based on the MSJC Entitlements would likely not occur within the natural drainages on the MSJC Site. No ponds, lakes, or other large man-made open water retention features exist on or are adjacent to the MSJC Site.

An MSJC Site-specific geotechnical investigation has not been conducted since no buildings or construction are proposed in connection with adoption of the MSJC Entitlements. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized on the site in the future following adoption of a specific plan. If future development is proposed, adherence to City regulatory

9 City of Banning. 2006. General Plan, Geotechnical Element, Figures V-2 through V-4.

10 California Department of Conservation. 2023. Website: https://maps.conservation.ca.gov/cgs/DataViewer/ (accessed May 11, 2023).

11 U.S. Geological Survey. 2023. U.S. Landslide Inventory. Website: https://usgs.maps.arcgis.com/pps/ebappviewer/index.html?id=ae120962f459434b8c904b456c82669d (accessed May 10, 2023).

12 Flood Zone X: 0.2% annual chance of flood hazard, areas of 1% chance of flood with average depth of less than one feet, or drainage areas of less than on square mile. Flood Zone A: 100-year flood zone without base flood elevation.

13 Federal Emergency Management Agency, Flood Insurance Rate Map, Panel 06065C0816G, effective August 28, 2008.

compliance measure (RCM) GEO-1 would require a project-specific geotechnical evaluation prepared by a licensed geotechnical engineer which identifies the geotechnical conditions of the MSJC Site and provides appropriate design, grading, and construction parameters required per applicable sections of the most current California Building Code. Any applicant for development on the MSJC Site would be required to provide evidence to the City Engineer that the site-specific geotechnical conditions and recommendations identified in the geotechnical evaluation are appropriately incorporated into the grading plans, design and construction documents for any on-site landform modification, structure, feature, or facility, and that the building plans and structural design conform to the requirements of the geotechnical evaluation and the City Municipal Code and the CBC.

A paleontological records search conducted for the Development Project extended one mile from the Development Site (inclusive of the MSJC Site). No fossil localities were identified within the one-mile search radius. While the Quaternary sediments on the Project Sites have an "Undetermined" paleontological sensitivity, typically in western Riverside County, these sediments are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, and others). A potential exists that subsequent development of the MSJC Site would result in a significant impact to paleontological resources. **MSJC Site Mitigation Measures GEO-1 and GEO-2** require preparation of a site-specific Paleontological Resources Assessment. No known unique geologic features are present on the site; however, if during the preparation of the development-specific geotechnical investigation a unique geologic feature is identified, the report would include recommendations to avoid effects resulting from impact to the potential unique geological feature. Furthermore, future development application would be required to provide evidence that the applicable recommendations identified in the assessment are carried out prior to and during ground disturbance activities.

8.1.8 Greenhouse Gas Emissions

Impact Statement: The MSJC Entitlements themselves would not result in any development activity that would generate GHGs, and their approval would not result in a conflict with an applicable plan, policy, or regulation whose purpose is reducing GHG emissions, and no impact would occur. Development of the MSJC Site would not significantly increase the number of units, residential capacity or population in the City beyond that previously forecast, and the clustering of units as VHDR over a smaller footprint located in the same area as the Development Site likely would result in fewer GHG emissions than if the residential units were constructed on the Development Site. In the absence of a project proposal for VHDR development on the MSJC Site, it would be speculative to estimate the project-specific GHG emissions that may be associated with VHDR development, and the effectiveness of regulatory compliance and potential mitigation measures, cannot be determined. In the absence of the ability to conduct such assessment, potential GHG impacts resulting from future development of the MSJC Site may be significant.

Finding

Because the MSJC Entitlements would not result in development at this time, the City finds that no significant GHG impacts would result from adoption of the entitlements. The programmatic analysis of the MSJC Entitlements relative to GHG emissions is provided in Section 5.4.8 of the Draft EIR. The

City finds that GHG emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified at this time, that the City will require preparation of a project-specific GHG analysis evaluating the potential for generating GHG emissions that would exceed an established GHG threshold, be considered cumulatively considerable, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Without a project-specific analysis, the City finds it would be speculative to reach a significance conclusion about whether potential GHG emissions would be cumulatively considerable or conflict with an applicable plan, policy or regulation, and whether any potential significant impacts could be mitigated to less than significant. In the absence of project plans, and based on the programmatic analysis, future development on the MSJC Site may result in a significant GHG impact but assessment of GHG impacts needs to be deferred to a project-level analysis.

Substantial Evidence

Except for existing MSJC campus facilities, the majority of the MSJC Site is undeveloped and does not generate anthropogenic GHG emissions. Construction and occupation of any use on the MSJC Site would generate GHG emissions. However, moving 1,146 units of residential capacity from the Development Site to the MSJC Site does not represent an increase in number of residential units or increase in population beyond that previously considered by the City (or by extension SCAG), and clustering the units as VHDR in a smaller development footprint would likely result in fewer construction and operational GHG emissions. The potential to develop up to 1,181 VHDR units likely would not significantly increase GHG emissions above those produced by the 1,1,46 units already accounted for. Therefore, the operation of the residential units likely would not result in GHG emissions that were not already anticipated in the City's General Plan. Furthermore, the proposed MSJC Entitlements and any VHDR development resulting from adoption or development of the MSJC Entitlements would not result in the relocation of residential uses to outlying portions of the City. The MSJC Site is located directly adjacent to the Development Site (east across Sunset Avenue), and it is reasonable to anticipate no substantial increase in the length of vehicle trips or a corresponding increase in GHG emissions from vehicle usage would result from the proposed MSJC Entitlements or any subsequent development of VHDR uses on the MSJC Site that were not already anticipated from the original land use and zoning on the adjacent Development Site. Because specific plans for development, including a development footprint, are not part of the MSJC Entitlements, it would be speculative to estimate whether GHG emissions would be cumulatively considerable under CEQA Guidelines section 16064.4, or compare potential GHG emissions from construction and operation, although they are likely to be less than if the residential units were constructed on the Development Site.

Without specific information about the development footprint and configuration of the residential units on the MSJC Site, the programmatic-level analysis does not allow evaluation of whether future development of VHDR units on the MSJC Site would comply with existing plans and policies. A more specific analysis for GHG emissions from development of the MSJC Site will need to be conducted under *CEQA Guidelines* Section 15168(c) to assess GHG impacts. As appropriate, subsequent development would be subject to conditions and regulatory requirements that would reduce impacts related to the emission of GHG, and mitigation measures that would reduce GHG emissions to the extent feasible.

8.1.9 Hazards and Hazardous Materials

Impact Statement: The MSJC Entitlements themselves do not propose physical development that has the potential to result in impacts related to hazardous materials or hazards; therefore, impacts would be less than significant. Because the MSJC Site has not been formally surveyed for potential hazards resulting from on-site conditions or assessed for potential risks from hazards that may result from future residential development, potential significant impacts may result from future development of the MSJC Site and mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to hazards and hazardous materials is provided in Section 5.4.9 of the Draft EIR. The City finds that because the MSJC Entitlements do not propose physical development on the Site at this time, there will be no significant impact related to hazardous materials, airport plan, emergency response plans, or wildland fires. The City also finds that subsequent development of the MSJC Site with residential uses could result in potential impacts related to hazards and hazardous materials, and that implementation of MSJC Mitigation Measures HAZ-1 through HAZ-3 is required. These measures require the preparation of a project specific Phase 1 Environmental Site Assessment and the provision of evidence that the compliance measures identified in this report are satisfied, implemented, or incorporated into the design of any future residential uses (MSJC MM HAZ-1 and HAZ-2). The City finds that implementation of these measures would mitigate impacts to less than significant. Furthermore, MSJC MM HAZ-3 requires the development of a project-specific Fire Protection Plan, the incorporation of mitigation from and compliance with that plan, including incorporating required features into the project design, and finds that this mitigation would lessen any potential impacts to less than significant. The City has determined the identified mitigation measures are feasible, adopted, and will reduce hazardous material/hazard impacts resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The MSJC Entitlements themselves do not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could occur at some future point in time. It reasonably can be anticipated that construction associated with future development could involve the use of potentially hazardous materials, such as vehicle fuels and fluids, which could be released should a leak or spill occur. These materials are commonly used at construction sites, and the construction activities would be required to comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials, including compliance with the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and California Code of Regulations Title 22. It is further reasonable that future residential uses would use and store household hazardous materials (e.g., household cleaners, paints, fuel, etc.) and that future residents would use such materials in the manner prescribed by the manufacturer. Because adoption of the MSJC Entitlements would not result in the direct transport, storage, or use of hazardous materials, no impact would occur. Any future development proposal would be required to comply with applicable conditions of approval and regulatory compliance measures identified in Section 4.9 of the Draft EIR that would be imposed, and the potential impacts from the transport, use, storage, and disposal or the release due to upset or

accident of hazardous materials would be less than significant (Draft EIR Section 5.4.9.1). The MSJC Entitlements themselves do authorize any development on the MSJC Site and none is proposed at this time; therefore, the entitlement actions would not result in use of hazardous materials within 0.25 mile of a school. The MSJC campus is located on 8.3 acres of the MSJC Site, on which a school site is located. Hemmering Elementary School is located approximately 0.9 mile north (across I-10). Unlike commercial or industrial development, residential uses do not generate, use, store, or transport large quantities of hazardous materials. During construction, typical hazardous materials in use include fuels, lubricants, solvents, architectural coatings, and similar substances. During occupation of residential uses, hazardous substances in use may include vehicle fuel, household cleaners, paint, and similar items. It is reasonable to conclude the use of any hazardous material during construction or occupation of any residential uses developed after adoption of the MSJC Entitlements would conform to legally applicable safeguards. Adherence to these safeguards would limit the release into the environment; therefore, no significant impact would occur.

The MSJC Site was evaluated via the SWRCB GeoTracker database, the DTSC's EnviroStor database, and the Cortese List for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions. Based on the review of these databases, there are no known conditions on site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. The MSJC Site does not currently contain any recognized environmental conditions or historical recognized environmental conditions (Draft EIR, pg 5-40). Any future residential development project proposed on the MSJC Site would be required to conduct project-level review, including preparation of a project-specific Phase 1 Environmental Site Assessment to confirm the presence or absence of any known or previously unknown hazardous materials sites on, adjacent, or within the reporting vicinity of the MSJC Site. MSJC Site Mitigation Measures HAZ-1 and HAZ-2 require the preparation of a project specific Phase 1 Environmental Site Assessment and the provision of evidence that the compliance measures identified in this report are satisfied, implemented, or incorporated into the design of any future residential uses, respectively. The implementation of these measures will ensure potential impacts related hazardous waste sites are reduced to a less than significant level (Draft EIR, pg, 5-42). The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport. As the MSJC Site is located outside the boundaries of any Airport Influence Area or Height Review Overlay established for Banning Municipal Airport, no airport hazard to future residential uses on the MSJC Site would occur (Draft EIR, pg, 5-43).

According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Gorgonio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Any subsequent residential development would be reviewed by the City, which would require that site preparation, grading, and construction activities maintain appropriate access along local roadways or to surrounding properties. Review and approval of site-specific plans by the City and Riverside County Fire Department would ensure all roadways and structures within the MSJC Site would be developed to applicable emergency access standards. Any development of VHDR uses would

also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Site for emergency vehicles. Furthermore, such requirements would ensure appropriate access to/from any future residential development that conforms to applicable City and RCFD standards, and ensures impacts related to emergency access remain less than significant (Draft EIR Sections 5.4.9.2 and 5.4.20.2).

Adoption of the proposed MSJC Entitlements will not result in any construction of residential units or the installation of infrastructure that would exacerbate wildfire risk. The MSJC Site is located within a wildlands urban interface, according to CalFire's Fire Hazard Severity Zone map. Except for existing campus buildings and ancillary features, the MSJC Site is undeveloped, and the MSJC Site is located within a Local Responsibility Area (LRA) and is designated as a non-Very High Fire Hazard Severity Zone (VHFHSZ). While not located within an identified very high fire hazard severity zone (VHFHSZ), the MSJC Site is located approximately one mile from two separate VHFHSZ areas and is located within a WUI. The construction and occupation of future residential uses on the MSJC Site could potentially increase the exposure of persons and/or property to wildfire hazards. As required by the City's development review process, any such development would be evaluated for wildfire safety when a proposed for physical development of VHDR units is proposed to the City. Future proposals for development within the MSJC Site would be subject to adopted federal, State, and local development guidelines in existence at that time that govern wildfire, emergency services, and emergency access, including Chapter 8.16 of the City's Municipal Code (which, as amended by the City, incorporates the current California Building and Fire Codes). To address the specific wildland impacts to the MSJC Site, a development specific Fire Protection Plan (FPP) will be required to identify the condition and wildland fire potential at the time MSJC Site development occurs (see MSJC MM HAZ-3). Such an FPP Plan would conform to City and RCFD requirements. Adherence to these measures will ensure potential wildfire impacts related to potential future VHDR development on the MSJC Site are reduced to a less than significant level. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR Sections 5.4.9.2 and 5.4.20.2).

8.1.10 Hydrology and Water Quality

Impact Statement: The MSJC Entitlements or subsequent development of the MSJC Site would not result in a significant impact related to hydrology or water quality.

Finding

The City finds that the MSJC Entitlements themselves would not result in a physical disturbance; therefore, there would be no impacts related to hydrology and water quality. The City further finds that subsequent development of the MSJC Site may result in potentially significant hydrology and water quality impacts. The City finds that for proposed future development, the Regulatory Compliance Measures (RCMs) which require compliance with National Pollutant Discharge Elimination System (NPDES) requirement (MSJC Site RCM WQ-1); preparation of a site-specific Water Quality Management Plan (WQMP) and implementation of the design features identified therein (MSJC Site RCM WQ-2)[and preparation of a site-specific site Hydrology and Hydraulic Analysis and incorporation of the required drainage features cited in said study (MSJC Site RCM WQ-3) would

ensure impacts relative to hydrology and water quality fault would not be significant; therefore, no mitigation is required.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Development of the MSJC Site after the proposed land use actions could potentially impact surface or ground water quality due to erosion related to earth disturbance activities and runoff from paved surfaces. Chapter 13.24 (Stormwater Management System) of the City's Municipal Codes, requires the implementation of stormwater pollution prevention and control for construction activities. Review of project-level construction plans by the City would, as appropriate, identify the specific project design features, or other conditions required to conform to the City's NPDES program (MSJC Site RCM WQ-1), including preparation of a SWPPP and Erosion and Sediment Control Plans and implementation of construction BMPs (MSJC Site RCM WQ-2), and preparation of a site-specific Hydrology and Hydraulic Analysis (MSJC Site RCM WQ-3). These are standard regulatory compliance measures required of all development in the City to reduce the potential for violation of water quality standards or waste discharge requirements during construction, or significant impacts from construction and development; therefore, the impact from future development of VHDR would be less than significant (Draft EIR, pg 5-46).

The City's primary water supply is groundwater. While the proposed MSJC Entitlements will allow the development of up to 1,181 residential units on the MSJC Site, it must be noted that this residential water demand has previously been anticipated under the City's 2020 Urban Water Management Plan and is included in the WSA prepared for the Development Project. Both documents show sufficient water supplies for development of up to 1,181 residential units that may result from adoption and development of the MSJC Entitlements. The WSA calculates water supply for the maximum 1,181 residential units at 734 AFY, and sufficient 20-year supplies in normal, dry, and multiple dry years to serve these units if the MSJC Site is ultimately developed. Therefore, development of the MSJC Site per the proposed land use actions would not significantly deplete groundwater. Future development of the MSJC Site would conform to the design features and BMPs identified in a site-specific WQMP (see MSJC Site RCM WQ-2). It is reasonable to anticipate that these features, incorporated into the design of any future residential development on the MSJC Site, will include retention features to allow the continuation of appropriate amount infiltration on the MSJC Site; therefore, no significant interference with groundwater recharge would result from adoption of the proposed MSJC Entitlements or subsequent development of the MSJC Site (Draft EIR Section 5.4.10.2).

Two drainage features traverse the MSJC site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. A smaller, secondary drainage course enters the property from a storm drain outlet located approximately 400 linear feet east of the intersection of Sunset and Westward Avenues and joins Pershing Creek approximately 700 feet south of the MSJC Site. Based on the FEMA maps for the City of Banning (FIRM Panels 06065C0816G and 06065C0817G), Pershing Creek is located in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. Per the FIRM Panels, the unnamed drainage is identified as an "an area of undetermined flood hazard." Pursuant to MSJC Site MM BIO-5 (see Section 8.1.4 of these Findings), future development that may occur on the MSJC would avoid

the on-site drainages to the extent practicable, providing appropriate buffer areas to separate these features from any development. Future development's contribution to future drainage and flooding impacts would be identified through a site-specific analysis based on the type and location of said development. To ensure a thorough assessment of potential drainage related impacts, MSJC Site RCMs WQ-2 and WQ-3 require the preparation of a site-specific Water Quality Management Plan and Hydrology and Hydraulic Analysis. As future development on the MSJC Site will require that the specific recommendations and design features identified in reports be incorporated into future development, it is reasonable to anticipate that potential water quality concerns regarding erosion and runoff/flooding concerns would be appropriately mitigated, and that design features implementing low impact development requirements (MSJC Site RCM WQ-3) would minimize impacts from a potential flood impact such that the release of pollutants from a flood event also would be less than significant. However, since no development is planned because of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements (Draft EIR, pg 5-47).

As the MSJC Site is not located adjacent to or near the ocean, or enclosed closed bodies of water, it would not be susceptible to impacts associated with a seiche, or tsunami; therefore, no impact would occur (Draft EIR Section 5.4.10.2).

The MSJC Site is within the jurisdiction of the Colorado River Regional Water Quality Control Board, which maintains a Basin Plan that designates beneficial uses for all surface water and groundwater within its jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. Adoption of the MSJC Entitlements would not result in any physical impact to a water quality or applicable groundwater management plan. Residential uses that may occur on the MSJC Site after approval of the MSJC Entitlements could result in discharge of that have the potential to impact water quality. Development of the MSJC Site with VHDR uses would be required to comply with the requirements of the Whitewater River Watershed MS4 Permit and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. Compliance with the measures and design features identified through MSJC Site RCMs WQ-1 and WQ-2 would ensure that future development of residential uses on the MSJC Site does not degrade or alter water quality, cause receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, no conflict with the Basin Plan would occur and impacts from future VHDR development would be less than significant. Since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact on a water quality control plan would result from adoption of the proposed entitlements (Draft EIR 5-47 and 5-48).

In January 2022, the San Gorgonio Pass Groundwater Sustainability Agency adopted[14] the Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin, which identifies projects and management actions to conserve water, capture stormwater, and recharge imported water. Apart from existing MSJC facilities, the site is undeveloped and permeable to groundwater infiltration. As development occurs on the MSJC Site, the permeable surfaces would be replaced with buildings and

[14] San Gorgonio Pass Subbasin Groundwater Sustainability Agency. 2022. San Gorgonio Pass Subbasin Groundwater Sustainability Plan, Appendix B, Noticing and Adoption Documentation. January. Website: https://www.sgpgsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf.

paved surfaces, reducing potential recharge area. It is anticipated, subject to the design parameters of a site-specific WQMP (see MSJC Site RCM WQ-2) prepared for development on the MSJC Site, the MSJC residential specific plan project WQMP could identify retention of on-site storm flows allowing for continuation of appropriate infiltration. The 2020 UWMP and Project WSA show sufficient water from all City supplies to serve up to 1,181 residential units if the MSJC Site is developed with these units, and the City's 2020 UWMP accounted for water supply for these units. Therefore, it is not anticipated that future development of residential uses on the MSJC Site as contemplated by the MSJC Entitlements would significantly obstruct the Groundwater Sustainability Plan for the San Gorgonia Pass Subbasin. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements (Draft EIR, pg 5-48).

8.1.11 Land Use and Planning

Impact Statement: As the MSJC Entitlements and any subsequent development that may occur pursuant to the MSJC Entitlements would not significantly divide any community or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; therefore, no impact would occur.

Finding

The programmatic analysis of the MSJC Entitlements related to land use/planning is provided in Section 5.4.11 of the Draft EIR. The City finds that neither adoption nor implementation of the MSJC Entitlements would result in significant impacts related to land use/planning; therefore, no mitigation is required.

Substantial Evidence

Any future development on the MSJC Site would likely front Westward Avenue, which will tie into the Sun Lakes Boulevard Extension, ensuring continued access through the southern portion of the City. The MSJC Entitlements provide for a continuation of the pattern of residential development along Sunset Avenue, north of Westward Avenue, and further east along Westward Avenue. No significant division of a community or incompatibility with existing residential uses would result from approval of the MSJC Entitlements or subsequent development of the MSJC Site (Draft EIR, pg 5-51).

The MSJC Entitlements themselves do not include the development of residential uses, though VHDR residential development could occur on the MSJC Site at some future point in time following adoption of the required specific plan. The City's General Plan Land Use Element Policy 1 requires the City provide a range of housing densities while considering land use compatibility with non-residential land uses. The proposed MSJC Entitlements will change the current general plan and zoning designation of the MSJC Site from Public Facilities to Very High Density Residential, allowing a minimum capacity of not less than 1,146 residential units and a maximum of 1,181 units. The MSJC Entitlements would allow the potential development of very high-density residential units that will provide greater diversity of housing across income levels and housing types including affordable housing opportunities. The MSJC Entitlements ensure no net loss of residential capacity in the City and provide alternative housing opportunities for a broader segment. The proposed entitlements or any subsequent development that may occur on the MSJC Site would not be inconsistent with this

policy. In addition, the MSJC Entitlements would be consistent with the nearby residential development, the school use currently on the site, and the commercial development and job opportunities afforded by the commercial and industrial development on the Development Site and consistent with this policy. The City's General Plan Land Use Element Policy 2 requires that projects adjacent to existing neighborhoods be carefully reviewed to assure that neighborhood character is protected. Existing single-family residential neighborhoods are located north of Westward Avenue and further west along Westward Avenue. The RSG project, an 831-acre master planned community located south of the MSJC Site, aims to provide up to 3,385 residential units of variety of residential densities, lot types and housing types is located directly south of the MSJC Site. Areas within the RSG project adjacent to the MSJC Site are planned for Medium High Density Residential (18.0 units/acre) residential uses and Neighborhood Commercial uses. Under the RSG project, MHDR residential use may include duplex, row townhome, attached cluster, and multi-family flat products.[15] (See Draft EIR, pg 5-51). The density of proposed residential uses on the MSJC site is similar to that previously planned and approved for the RSG project located south and east of the MSJC Site, and would be complementary to the existing campus uses, as well as the employment and commercial opportunities provided by the Development Project located west across Sunset Avenue. Therefore, adoption of the MSJC Entitlements or subsequent residential development on the MSJC Site would be consistent with this Land Use Element Policy 2. Future residential development occurring on the MSJC Site would be accomplished through a specific plan. The required future specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape plans. Through its review by the City, the required future specific plan would be consistent with the zoning for VHDR residential districts which allows for clustered housing, open space, common area amenities, etc. The required future specific plan, reviewed and adopted by the City, would be subject to the guidelines established by a specific plan that would need to be approved consistent with applicable City policies for the creative and flexible design of residential project. Any subsequent development on the MSJC Site in conformance with the future specific plan would also be consistent with City General Plan policies and guidelines. Therefore, no inconsistency with City General Plan Land Use Policy 6 requiring creative and flexible design for residential development would result from the adoption of the MSJC Entitlements or subsequent development of VHDR uses on the MSJC Site (Draft EIR, pg 5-52).

8.1.12 Mineral Resources

Impact Statement: The MSJC Entitlements would not result in a significant impact to mineral resources.

Finding

The programmatic analysis of the MSJC Entitlements related to mineral resources is provided in Section 5.4.12 of the Draft EIR. The City finds that neither adoption nor implementation of the MSJC Entitlements would result in significant impacts related to mineral resources; therefore, no mitigation is required.

[15] RBF Consulting. 2015. Rancho San Gorgonio Specific Plan. January.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site; however, residential development could be authorized in the future following adoption of a specific plan. The MSJC Site is mapped as MRZ-3, though it can be reasonably inferred that mineral resources of importance to the region or State are not located on the site because: (1) a review of historic areas from 1966 onward does not indicate any evidence that mineral resources recovery has occurred on the MSJC Site, and (2) the State Mining Board does not designate the MSJC Site as a regionally significant Portland cement concrete (PCC)-grade aggregate resource nor does the City's General Plan designate the MSJC Site as a mineral resource land use designation that allows for mineral extraction. No evidence suggests significant mineral resources are located on the MSJC Site and neither the State nor City has designated the site for mineral recovery. Therefore, approval of the MSJC Entitlements and any subsequent residential development would not impact the availability of a known or valuable mineral resource.

The Banning Quarry, operated by Robertson's Ready Mix, is the only aggregate producer in the City. This quarry is mined for rock, sand, and base materials used for concrete and construction. The quarry is located approximately 2.8 miles northeast of the MSJC Site. Adoption of the proposed MSJC Entitlements or subsequent development of the site would not conflict or interfere with a locally important mineral resource at the Banning Quarry or other mineral extraction site delineated on any City planning document.

8.1.13 Noise and Vibration

Impact Statement: The MSJC Entitlements themselves would not result in a physical disturbance or change of activity on the MSJC Site; therefore, no noise impacts would result from these actions and no impact would occur. No significant airport noise impact would occur to future residential uses on the MSJC Site. Subsequent development of the MSJC Site would generate a potentially significant increase in ambient and excessive vibration noise during construction, and a potentially significant increase in ambient noise from occupation of VHDR uses; therefore, implementation of mitigation related to potential ambient noise increase and excessive vibration is required.

Finding

The programmatic analysis of the MSJC Entitlements related to noise and vibration is provided in Section 5.4.13 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in a physical disturbance or change of activity on the MSJC Site, and no noise impact would occur. The City finds that subsequent development of the MSJC Site with VHDR use could potentially generate a significant construction or operational noise or vibration impact; therefore, implementation of MSJC Mitigation Measure NOI-1 requiring preparation of project-specific noise assessment and the submittal of evidence that any subsequent residential development project on the MSJC Site incorporates the features and measures necessary detailed in the assessment is required. The City has determined the identified mitigation measure is feasible, adopted, and will reduce noise impacts resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time; therefore, no noise impact would result from adoption of the MSJC Entitlements themselves. Future residential development could occur on the MSJC Site following adoption of a specific plan. The construction and occupation of VHDR uses on the MSJC Site would generate noise that may be perceptible at adjacent noise sensitive uses. Noise generated during construction is dependent on the type, duration, location, and intensity of use of construction equipment and will vary during development within the MSJC Site. Typically, construction noise levels would reach up to 85 dBA Lmax (82 dBA L_{eq}) at 50 feet. Ambient noise levels at the corner of Sunset and Westward Avenues are 55.5 dBA CNEL. Construction noise would contribute 2.2 dBA to this level. Such an increase would not be perceptible to the human ear in an outdoor environment. In compliance with the City's General Plan and Municipal Code, construction activities would be limited to the hours between 7:00 a.m. and 6:00 p.m. and the maximum permissible noise level for construction activities of 55 dB(A) can be exceeded only for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

Because the proposed MSJC Entitlements would not result in any physical development as a result of adoption, no generation of a substantial temporary or permanent increase in ambient noise levels in the city would result and no impact would occur. As established in Table 4.13.U of the Draft EIR, traffic noise along Westward Avenue (east of Sunset Avenue) under the 2045 condition was estimated at 56.9 dBA CNEL, which would not exceed the City's CNEL noise standard (65 dBA). Operation of future residential units on the MSJC Site would likely result in increased ambient noise levels related to use of equipment (e.g., landscaping or air conditioning. In the absence of a site-specific project design, noise impacts associated with occupancy of the residential units that developed on the MSJC Site are unknown and are potentially significant. An existing 6-foot-high block wall along the northside of Westward Avenue would provide a minimum noise attenuation of 5 dBA of from traffic and on-site noise generated from residential uses developed on the MSJC Site. No such wall currently exists at the existing campus facilities. MSJC Site Mitigation Measure NOI-1 requires preparation of a project-specific noise and vibration impact assessment for City for review and approval. The project-specific noise assessment would identify the measures and features necessary to reduce the levels of noise resulting from the construction and operation of any future residential development on the MSJC Site. It is reasonable to anticipate the future residential development of the MSJC would conform to the mitigation identified and as required by the City (Draft EIR Section 5.4.13.2).

Because MSJC Entitlements themselves would not result in development, no direct vibration impact would occur. The greatest level of potential vibration would occur during site preparation and grading of the MSJC Site. Depending on the type of equipment used during construction, typical levels of vibration may reach 94 VdB (0.210 PPV [in/sec],[16] when measured at 25 feet from the source. This level of vibration would likely exceed the community annoyance threshold of 78 VdB for daytime residences and school uses. This level of community annoyance typically occurs only with the use of vibratory rollers during roadway paving operations, which are temporary and intermittent. Other pieces of construction equipment at the closest building structure would generate lower vibration levels and receptors would experience lower vibration levels because they are farther away. The

[16] Vibration resulting from Vibratory rollers (see Table 4.13.V in Section 4.13 of the Draft EIR).

nearest sensitive receptors are the existing residential structures north of Westward Avenue (50 feet north) and the existing MSJC campus, which is immediately adjacent to the undeveloped portion of the MSJC Site. In the absence of a site-specific project design, vibration impacts resulting from operation of construction equipment are unknown. As required by MSJC Site MM NOI-1, a project-specific noise and vibration impact assessment would be prepared and submitted to the City for review and approval for any proposed development. The rubber tires and suspension systems of on-road vehicles typically provide vibration isolation; therefore, high levels of vibration (e.g., from traffic) occurring during occupation of residential uses that may develop on the MSJC Site would be unusual. The specific impacts of physical development of the MSJC Site would need to be confirmed at the time of proposed development. It is reasonable to anticipate though that vibration levels generated from project construction activities and occupation of VHDR uses on the MSJC Site would be less than significant (Draft EIR Section 5.4.13.2).

The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport and more than 2.5 miles outside the 65 dBA CNEL noise contour established for the airport; therefore, future residential uses on the MSJC Site would not be exposed to significant levels of noise and no impact would result from adoption or implementation of the proposed MSJC Entitlements or subsequent residential development (Draft EIR Section 5.4.13.2).

8.1.14 Population and Housing

Impact Statement: The MSJC Entitlements would not result in a significant impact relative to population or housing.

Finding

The programmatic analysis of the MSJC Entitlements relative to population and housing is provided in Section 5.4.14 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development of housing on the MSJC Site, and no impact would occur. The City finds that implementation of the MSJC Entitlements would not result in significant impacts related to population and housing; therefore, no mitigation is required.

Substantial Evidence

The Development Project would amend the General Plan land use designation and rezone 9.0 acres of High Density Residential and 64.5 acres of Medium Density Residential within the Northern Portion of the Development Site. This change in land use designation would result in the reduction of the City's residential inventory by up to 1,146 units. To maintain compliance with applicable provisions of SB 330, the City has initiated a General Plan Land Use Amendment (GPA) and a change to the Official Zoning Map (ZC), to change the land use and zoning on the MSJC Site from PF–S to VHDR, with a density range of 18–24 dwelling units per acre. These changes would create a residential capacity of not less than 1,146 residential units, and up to 1,181 units on the MSJC Site, which offsets the reduction of residential capacity on the Development Site. No significant increase in the inventory of residential units, and therefore no unplanned increase in population, in the City would result from adoption of the proposed MSJC Entitlements or any subsequent development of residential uses on the MSJC Site. The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time. Any future development would require the

connection/extension of infrastructure onto the previously undeveloped portions of the MSJC Site in order to serve the VHDR uses. The MSJC Site is surrounded by existing (north) and approved residential units (the RSG SP to the south), and the proposed Development Site, and would not require the extension of roads or utility facilities to or through an area where no such facilities current exist.

There are no residential structures or residents currently located either on the MSJC Site. While the proposed MSJC Entitlements would accommodate the subsequent development of VHDR uses on the MSJC Site, as no persons reside on the property, neither the entitlements nor subsequent residential development would displace persons or housing.

8.1.15 Public Services

Impact Statement: No Impact to public services would result from adoption of the MSJC Entitlements; Impacts to public services resulting from future residential development on the MSJC Site would be reduced to below a level of significance upon payment of required DIFs and school impact fees.

Finding

The programmatic analysis of the MSJC Entitlements relative to public services is provided in geology and soils is provided in Section 5.4.15 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any physical development of housing on the MSJC Site and would not impact public services. The further City finds that the Regulatory Compliance Measures (RCMs) which require site development to provide evidence that applicable and appropriate Development Impact Fees and School Impact Fees are paid, would ensure impacts relative to the provision of public services are less than significant once VHDR units are developed on the MSJC Site, and that no mitigation is required.

Substantial Evidence

The proposed MSJC Entitlements do not increase the number of planned residential units in the City, nor would they result in an unplanned increase in the resident population. Rather, the proposed MSJC Entitlements transfer the residential capacity formerly located on the Development Site to a site located directly adjacent to (across Sunset Avenue) the Development Site.

New development in the City will require the funding of public services and facilities to meet the needs and expectations of the community. Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required facilities for fire and police protection facilities, general City facilities, traffic control features, parkland and park facilities, and wastewater facilities. California Education Code §17620 allows school districts to levy a fee, charge, dedication, or other requirement against any development project within its boundaries for the purpose of funding the construction or reconstruction of school facilities. Facilities planning is routinely conducted by the City and/or individual service providers to assess needs to maintain adequate service ratios and response times.

Currently, existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; therefore, no direct increase in the demand for public services would result from approval of the MSJC Entitlements. However, residential

development on the MSJC Site could occur in the future. The transfer of residential capacity from the Development Site to the MSJC Site does not represent a significant increase in the number of residential units or increase in unplanned population not previously accounted for in public facility planning or funding programs in City. The City prepared the *Development Impact Fee Update Study* to outline and update development impact fees (DIF) that are imposed on developments built in the City to fund public services. It is the City's intent that the costs representing future developments' share of public facilities and capital improvements be imposed on development in the form of a DIF for Police Facilities, Fire Facilities, Parks and Recreation Facilities, General City Facilities, Wastewater Facilities, and Water Facilities.

Due to the adjacency of the MSJC Site to the Development Site, no increased delay in travel from existing fire protection providers is anticipated. As the City's DIF program has already accounted for the population associated with the residential units on the Development Site, it is reasonable to anticipate that the fire protection fees established in the DIF program adequately provide for any demand for fire protection services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of these fees is required for any development in the City, it is reasonable to conclude no significant impact to fire protection service and facilities will result from the proposed development of the MSJC Site with residential uses. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on fire protection services is anticipated from adoption of the MSJC Entitlements (Draft EIR, pg 5-62).

Due to the adjacency of the MSJC Site to the Development Site, no increased delay in police response would occur The City's DIF Impact Study documents the impact fee for police facilities to ensure that new development provides adequate funding to meet the City's needs. The fee impact analysis identifies existing and future service population (residents plus workers) and existing and planned police facilities. The City may use the police facilities fee to pay for the debt service on the existing police facilities and/or for the construction or purchase of buildings, equipment and land that are part of the system of police facilities serving new development. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to anticipate that the police facilities fee established in the current DIF program (or whatever DIF program is in effect at the time of proposed physical development of residential units) adequately provides for any increased demand for police services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of police facility fees is required for any development in the City, a less than significant impact to police service and facilities will result from the future development of the residential units (Draft EIR, pg 5-62).

BUSD was operating over capacity in the 2022–2023 school year by 175 students (see Draft EIR, Table 4.15.A). Based on student generation rates detailed in the BUSD's *Fee Justification Report,*[17] existing residential uses on the Development Site would generate a student population of 419 students if 1,146 residential units are constructed, and 432 students if 1,181 residential units are constructed. The MSJC Entitlements would not result in a significant increase in student population, as the proposed action merely transfers the residential capacity and the corresponding potential increase in

[17] The overall student generation rate is 0.3657 student per residential unit. Table VI, District Wide Student Generation Rates, *Banning Unified School District Fee Justification Report for New Residential and Commercial/Industrial Development*, SDFA, May 2020.

student population to a different site within the jurisdictional boundaries of the BUSD. The student generation associated with the proposed MSJC Entitlements and any subsequent development of VHDR uses has already been accounted for in the facilities and fee planning completed by the BUSD. The payment of school fees (as established and ratified by the BUSD) by the applicant for any future residential use developed on the MSJC Site, would provide full mitigation of potential impacts on school facilities that may result from development of VHDR uses on the MSJC Site in the future (pursuant to California Government Code Section 65996). The proposed actions would not significantly increase the number of residential units within the jurisdiction of the BUSD, and with payment of school fees that are required of all development, no significant impact to school facilities would result from subsequent development of VHDR uses on the MSJC Site (Draft EIR, pg 5-63).

The City does not meet its current standard of five acres of parkland per 1,000 residents; however, the MSJC Entitlements would not result in a significant change in the number of residential units in the City since the units are only being transferred from the Development Site to the MSJC Site. As the proposed MSJC Entitlements would not result in the physical development of any residential units, no increase in the demand of park facilities would occur. As is required with all projects, future residential development on the MSJC Site would be required to pay applicable per unit fees to provide for future park facilities, reducing the potential park impacts to a less than significant level (Draft EIR, pf. 5-63).

The City's general government facilities inventory consists of administrative space at City Hall, a corporation yard, and an animal shelter. These facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City's service population including existing and future residents and workers. The proposed MSJC Entitlements do not significantly increase the number of residential units in the City, nor would they result in an unplanned increase in the resident population. The City's Development Impact Fee Update Study documents the impact fee for general city facilities to ensure that new development provides adequate funding to meet City needs. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to conclude the fee for government facilities established in the DIF program adequately provides for any increased demand for these facilities. Furthermore, as the payment of DIF fees is required for any development in the City, it is reasonable to conclude no significant impact to government facilities resulting from physical development of residential units on the MSJC Site would occur (Draft EIR Section 5.4.15.2).

The Banning Library District (BLD), a California Special District, is funded by property tax revenue. The annual estimate of costs of BLD operations is furnished to Riverside County and the tax required to fund library functions is computed, entered upon the tax rolls, and collected in the same manner as County taxes are computed and collected. All money collected is sent to County treasury to the credit of the BLD. The proposed actions would not alter this funding mechanism; therefore, no significant impact would result from the subsequent development of VHDR uses on the MSJC Site, and no impact would result from the proposed adoption of the MSJC Entitlements (Draft EIR, pg 5-64).

8.1.16 Recreation

Impact Statement: The MSJC Entitlements would not result in a significant impact relative to the provision of recreation facilities or services.

Finding

The programmatic analysis of the MSJC Entitlements relative to recreation facilities is provided in Section 5.4.16 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in the development of housing on the MSJC Site, and no impact to recreation would occur. The City finds that with compliance with MSJC Site RCM REC-1, implementation of the MSJC Entitlements would not result in significant impacts related to recreational facilities or services; therefore, no mitigation is required.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site at this time; therefore, no increased demand for recreation facilities would occur.

The City's General Plan identifies a standard of five acres of parkland per 1,000 residents. Population estimates from July 2022 indicate the population of Banning is 30,683 residents. As the MSJC Entitlements merely move the location where residential development could occur; the transfer of residential capacity from the Development Site to the MSJC Site would not cause an unplanned increase in residential units or population in the City that was not previously accounted for in planning or funding programs for park and/or recreation facilities. Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required public facilities, including parkland and recreation facilities. Any future residential development project on the MSJC Site would be required to pay applicable per unit development impact fee (DIF) to provide for future parks and park services, and no significant impact from the VHRD development would occur.

As no specific development for the MSJC Site is proposed at this time, it is not known if public recreation facilities will be provided on the MSJC Site. As permitted by the City, future development on the MSJC Site may dedicate and/or improve on-site areas for public recreation purposes. The extent to which any such on-site dedication/improvement exempts development from or lessens the amount of payment of required park fees would be determined at the time a development proposal for the MSJC Site is provided to the City. Compliance with dedication requirements or payment of required park fees would ensure demands on recreation facilities resulting from development of VHDR uses on the MSJC Site would not be significant.

8.1.17 Transportation

Impact Statement: The MSJC Entitlement themselves would not result in activity that would cause a physical change in the environment or any transportation-related impact. Future development of the MSJC Site Due to the unknown nature of subsequent development of the MSJC Site, there is a potential the development of VHDR uses may result in a significant transportation impact under CEQA Guidelines section 15064.3 and mitigation could be required.

Finding

The programmatic analysis of the MSJC Entitlements relative to transportation is provided in Section 5.4.16 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development on the MSJC Site, and no transportation impacts would occur. The City finds that while transportation impacts from future development of the MSJC Site are not fully known,

there is a potential that transportation impacts may occur under CEQA Guidelines section 15064.3. The City finds that implementation of MSJC Mitigation Measures TRA-1, requiring the study of development-specific impacts and identification of appropriate measure to reduce any significant impacts, is required. The City further determines this mitigation is feasible, required, and appropriate to reduce transportation impacts associated with subsequent development of the MSJC Site.

Substantial Evidence

CEQA Guidelines Section 15064.3 states that vehicle miles traveled (VMT) is the appropriate measure of transportation impacts used in CEQA documents.

The City has identified a number of VMT screening criteria, which if satisfied on a project level, would result in a less than significant VMT impact. The development of VHDR uses on the MSJC Site alone does not appear to meet these screening criteria, though this determination could change based on other factors such as if the future project includes affordable housing, provides on-site uses (e.g., commercial/service uses) that reduce vehicle trips, includes connections to quality transit, or other criteria. Without a specific development proposal, it is not possible to determine if any future development of residential units on the MSJC Site could satisfy any of the City's VMT screening criteria. The screening of any future VMT impact would be conducted when an application for development physical development of the site is proposed. MSJC Mitigation Measure TRA-1 requires the preparation of a MSJC Site-specific traffic assessment and VMT analysis that identifies potential impacts and the appropriate and applicable measures to address potential traffic deficiencies and/or impacts resulting from development of the MSJC Site. However, while the proposed MSJC Entitlements would accommodate a transfer of residential density from the Development Site to the MSJC Site, this would not result in a significant increase in residential units or unplanned population beyond that previously considered by the City in its development of its VMT Guidelines. The proposed MSJC Entitlements would not result in the movement of residential capacity to an area of the City that would substantially increase trip lengths (vehicle miles traveled) due to the proximity of the MSJC Site to the Development Site. Therefore, no significant impact on VMT would result from adoption of the MSJC Entitlements.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; therefore, the MSJC Entitlements themselves would not increase traffic, congestion, or be inconsistent with the General Plan Circulation Element. Specific improvements may be required for any subsequent residential development on the MSJC Site. The type and location of required improvements would be determined through the preparation of a project-specific traffic analysis. Any necessary improvements analysis may be funded through a combination of fee payments to established programs, construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Funding programs may include: the Riverside County Transportation Uniform Mitigation Fee (TUMF) program; City of Banning Development Impact Fee (DIF) program, and Measure A funds. TUMF is a regional mitigation fee program and is imposed and implemented in every jurisdiction in Western Riverside County. The City requires new development proposals to pay the requisite City DIF fees at the rates in effect when specific physical development is undergoing review, and the timing of fee determination and payment is specified by City ordinance. Absent preparation of a study to assess potential transportation impacts from a specific VHRD proposal on the Site, it cannot be determined whether VHDR development could

result in a significant impact or whether payment of required fees and compliance with City requirements would result in a less than significant impact with mitigation.

As no development of the MSJC Site is planned at this time, the proposed MSJC Entitlements would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and no impact would result. Any future development of the MSJC Site, like other development activity in the City, would adhere to applicable General Plan Circulation Element policies related to the design, installation, and maintenance of required circulation features, including those promoting or improving and/or accommodating pedestrian, bicycle, and transit access. Future development permitted on the MSJC would be reviewed on a project-specific level for potential transportation-related impacts. Required improvements or mitigation to address any impacts to roadways associated with development of the MSJC Site would be identified during such project-specific review. Similarly, adoption of the proposed MSJC Entitlements is not a physical project that would alter any facility or inhibit the City's Emergency Operations Plan. As subsequent residential development occurs, it is reasonable to City review of any future residential development proposed for the MSJC Site would ensure appropriate access to/from any future residential development conforms to applicable City standards. Therefore, no significant constriction of an emergency response plan or evacuation route would result from future VHDR development on the Site, and no impact would result from adoption of the MSJC Entitlements.

8.1.18 Tribal Cultural Resources

Impact Statement: The MSJC Entitlements themselves do not include a physical component that has the potential to disturb or other impact tribal cultural resources; therefore, impacts resulting from approval of the MSJC Entitlements would be less than significant. Because the MSJC Site has not been formally surveyed and because physical development-specific tribal consultation has not occurred, there is a potential that future development of the MSJC Site with residential units could impact Native American cultural resources and mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to cultural resources is discussed in Section 5.4.18 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in a physical disturbance, and therefore, impacts to tribal cultural resources from adoption of these entitlements would be less than significant. The City further finds that subsequent development of the MSJC Site with VHDR uses could potentially impact tribal cultural resources; therefore, implementation of MSJC Mitigation Measure CUL-1, including the application of Standard City Measures CUL-1 through CUL-6 as appropriate, would be necessary to reduce the potential impacts to tribal cultural resources to a less than significant level. The City has determined the identified mitigation measures are feasible, adopted, and will reduce impacts to tribal cultural resources resulting from the MSJC Entitlements or subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The City requested SB 18/AB 52 consultation from 31 Native American contacts on August 25, 2022, specifically identifying the proposed General Plan Amendment, Zone Change and Specific Plan Overlay

for the MSJC Site. The City stated in its consultation request that these actions propose only changes to the City's land use and zoning maps, no construction or physical alterations are proposed or will be authorized under the MSJC Entitlements. The City received two (2) responses to its consultation request. The Morongo Band of Mission Indians (MBMI) acknowledged that the City only proposes the land use changes and that no construction or physical alterations would occur under these actions. While the MBMI did not have comments, the Tribe noted that any construction or alterations proposed on the MSJC Site would be of interest to the MBMI under SB 18 and AB 52 because the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

While the records search did not identify any prehistoric resources in proximity to the MSJC Site, the site itself has not been formally surveyed. An 1856 plat map shows a north/south-trending trail identified as an "Indian Trail" situated approximately 0.75 mile to the east. In addition, the presence of multiple natural sources of water in proximity to the MSJC Site, including Pershing Creek, elevate the potential for prehistoric resources in the area.

The adoption of the MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to tribal cultural resources from adoption of these entitlements would be less than significant. The MSJC Site has been identified as an area of interest to the MBMI and a potential exists that development activities on the site may encountered previously unknown or undetected Native American cultural material. As established in MSJC Site MM CUL-1, a site-specific cultural resource assessment is required prior to the commencement of any on-site ground disturbance on the MSJC Site. This measure requires preparation of a Cultural Resources Assessment by a Secretary of the Interior (SOI) qualified professional which would include, but not be limited to, (1) an updated archaeological records search, (2) an intensive pedestrian survey of the MSJC Site, (3) an evaluation of significance of any cultural resources identified, and (4) the preparation of a Phase I report of the findings with recommendation and potential mitigation. Based on the outcome of any required cultural resource assessment, further compliance with the City's standard cultural resource mitigation measures CUL-1 through CUL-6 (as detailed in Draft EIR, Section 4.5.6.1, page 4.5-17 through 4.5-19) may be required. These standard measures would, (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties.

In the event cultural material is identified prior to or during ground disturbance, procedures outlined in Mitigation Measures CUL-1 to CUL-6 will be followed, as appropriate. Therefore, any subsequent development of VHDR uses on the MSJC Site is not expected to cause a substantial adverse change in the significance of a tribal cultural resource defined as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with

cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k).

8.1.19 Utilities

Impact Statement: No impact results from the adoption of the MSJC Entitlements. A less than significant impact related to the provision of utility services would result from any subsequent development of the MSJC Site.

Finding

The programmatic analysis of the MSJC Entitlements related to utilities and service systems is provided in Section 5.4.19 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development of housing on the MSJC Site, and no impact to utilities would occur. The City further finds that implementation of the MSJC Entitlements would not result in significant impacts related to utility and service systems; therefore, no mitigation is required.

Substantial Evidence

Existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. Development of the MSJC Entitlements is not expected to significantly increase the number of residential units in the City because the MSJC Entitlements merely shift the location of their potential development from the Development Site to the MSJC Site. The various utility providers have accounted for these units in existing demand/capacity. The MSJC Entitlements are not creating new demand, but merely slightly shifting where that demand will originate from. Because it is unknown when development of the residential units would occur, it is possible that utility demands and need for supporting infrastructure may change in the future. At the time actual physical development is proposed, improvements to water, wastewater, and stormwater conveyance facilities, electrical and natural gas infrastructure, and telecommunications infrastructure may be required. The type, manner, and location of any such improvements and/or connections would subject to development-specific review by the City, and any required mitigation would be imposed at that time. It would be expected that such mitigation would cause any potential impacts to be less than significant. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR, pg 5-75).

Per the Water Supply Assessment (Draft EIR, Appendix K), the maximum 1,181 VHDR units contemplated by the MSJC Entitlements would require a water demand of approximately 734 acre-feet/year (af/yr). This annual water demand can be sufficiently accommodated in normal, single dry, and multiple dry years (see Draft EIR, Appendix K, Tables 11-13) as required by Water Code Section 10910 et seq., thereby, ensuring that no significant impact related to the provision of water would result from the development of VHDR on the MSJC Site. As required by the City of all development, connection fees and any other conditions or requirements for connecting to the City's water system would be paid and/or satisfied after a formal proposal for physical development of the VHDR units is submitted to the City (Draft EIR Section 5.4.19.2).

The MSJC Entitlements themselves would not impact wastewater facilities or the provision of wastewater services, as the transfer of residential density from one site to a different site would not generate any wastewater flows. The City's Wastewater Reclamation Facility (WRF) has a daily intake capacity of 3.5 million gallons of wastewater and is currently operating at an intake of 2.0 million gallons of wastewater per day. The wastewater generation rates for High-Density Residential Uses is 1,260 gallons/day per acre (gpd/ac).[18] Using this generation rate, wastewater flows from developed uses on the MSJC Site would total approximately 61,992 gallons per day (gpd), or approximately four percent of the of the City's current surplus wastewater treatment capacity. It is reasonable to anticipate that future residential development on the MSJC Site would not exceed the current City wastewater treatment capacity.[19] Therefore, no significant wastewater treatment capacity impact would result from the development of VHDR uses on the MSJC Site (Draft EIR, pg 5-76).

The City contracts with Waste Management, Inc. for solid waste collection service from residential, commercial, and industrial uses within the City limits. Three landfills serve the City: Badlands Sanitary Landfill, Lamb Canyon Sanitary Landfill, and El Sobrante Landfill. These landfills have a maximum combined permit capacity of 79.6 million tons of solid waste, and a combined remaining capacity of 38.8 million tons (10,200 tons per day). Based on an actual generation rate[20] of 5.6 pounds/day/person, approximately 8.27 tons of solid waste per day conservatively could be generated if VHDR uses are developed on the MSJC Site at some future point in time. This level of waste represents 0.08 percent of currently permitted daily throughput at receiving landfills (see Draft EIR, Table 4.19.F). The City's per capita disposal rate (5.6 pounds/day/person) is below the target of 6.1 pounds/person/day for residents and 30.4 pounds/person/day for employees established by CalRecycle. The City is in compliance with goals and State mandates for solid waste disposal, collection, and diversion. Household waste recycling services are also provided through the City to comply with State-mandated solid waste reduction goals. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site or generate solid waste, no impact related to this issue will occur. Subsequent development of the MSJC Site with residential uses would not exceed receiving landfill capacity impair the attainment of local or State solid waste reduction goals; therefore, a significant solid waste impact would not result from future development of VHDR on the MSJC Site (Draft EIR Section 5.4.19.2).

8.1.20 Wildfire

Impact Statement: The MSJC Entitlements would not result in physical development of the MSJC Site, and would not substantially impair an emergency evacuation plan, exacerbate wildfire risks, or expose people or structures to significant risks from post-fire slope instability. Therefore, impacts resulting from adopting the MSJC Entitlements would be less than significant. Because the type, density, and

[18] City of Banning. 2018. *City of Banning 2018 Integrated Master Plan (IMP) Final Report*, Chapter 3, Table 3.19 Wastewater Flow Factors, page 3-28.

[19] The City's Integrated Master Plan includes assumptions for development of residential units previously proposed as part of the Five Bridges Project (which is located within the limits of the current Development Site).

[20] California Department of Resources Recycling and Recovery (CalRecycle). n.d. Jurisdiction Diversion/ Disposal Rate Detail, Jurisdiction: Banning, County: Riverside, Reporting Year: 2021. Website: https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/slcp/capacityplanning/recycling/JurisdictionDiversionDetail?year=2021&jurisdictionID=34 (accessed May 31, 2023).

configuration of future development on the MSJC Site is not known, there is a potential that future development of the MSJC Site with residential units could potentially be impacted by wildfire; therefore, mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to wildfire is provided discussed in Section 5.4.20 of the Draft EIR. The City finds that the MSJC Entitlements would not result in physical development of or changes on the MSJC Site, and no wildfire related impacts under CEQA Guidelines Appendix G XX would occur. The City finds that subsequent development of the MSJC Site with VHDR uses could potentially be impacted by wildfires; therefore, implementation of MSJC Mitigation Measure WLD-1 and WLD-2 requiring the preparation of a development specific Fire Protection Plan and submittal of evidence that subsequent development follows the provisions of said plan are necessary. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts from wildfire resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

With the exception of existing campus buildings and ancillary features, the MSJC Site is undeveloped. The MSJC Site is located within a Local Responsibility Area and is designated as a Non-Very High Fire Hazard Severity Zone (VHFHSZ) (see Draft EIR, Figure 4.20-1). Due to its location and adjacency to undeveloped areas, the MSJC Site is located in a WUI. The adoption of the proposed MSJC Entitlements themselves will not result in any a physical project that would alter any facility or inhibit the City's Emergency Operations Plan; and no impact related to this issue will occur. According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Gorgonio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Any subsequent residential development would be reviewed by the City, which would require that site preparation, grading, and construction activities maintain appropriate access along local roadways or to surrounding properties. Through the review and approval of site-specific plans by the City and Riverside County Fire Department would ensure all roadways and structures within the MSJC Site would be developed in applicable emergency access standards. Any development of VHDR uses would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Site for emergency vehicles. Furthermore, such requirements would ensure appropriate access to/from any future residential development conforms to applicable City and RCFD standards, ensure impacts related to emergency access remain less than significant (Draft EIR, p, 5-78).

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. While not located within an identified very high fire hazard severity zone (VHFHSZ), the MSJC Site is located approximately one mile from two separate VHFHSZ areas and is located within a WUI. The construction and occupation of future residential uses on the MSJC Site could potentially increase the exposure of persons and/or property to wildfire hazards. As required

by the City's development review process, any such development would be evaluated for wildfire safety when a proposed for physical development of VHDR units is proposed to the City.

Future proposals for development within the MSJC Site would be subject to adopted federal, State, and local development guidelines in existence at that time that govern wildfire, emergency services, and emergency access, including Chapter 8.16 of the City's Municipal Code (which, as amended by the City, incorporates the current California Building and Fire Codes). Furthermore, the City adopted the Multi-Hazard Functional Guidance document in 1996 and the Emergency Operations Plan in July 2007 (updated in 2012) both of which provide guidance for residents, City emergency responders, and businesses in the event a man-made or natural emergency occurs within the City or threatens the City.

Future development within the RSG project located directly south of the MSJC Site, may alter the nature of fuel and wildland fire potential, fire behavior, and the potential for exposure to wildfire pollutants on the MSJC Site. Should development on the RSG project proceed in advance of MSJC Site development, fuel modification zones stipulated in the RSG project would provide buffer any future MSJC Site development. To address the specific wildland impacts to the MSJC Site, a development specific Fire Protection Plan (FPP) will be required to identify the condition and wildland fire potential at the time MSJC Site development occurs. Such a FPP Plan would conform to City and RCFD[21] requirements. This requirement is detailed in MSJC Site MM WLD-1. Furthermore, MSJC Site MM WLD-2 requires the submittal of evidence that the protective features and preventative measures are fully and appropriately implemented into the design and construction of any development occurring on the MSJC Site prior to the issuance of construction permits. Adherence to these measures will ensure potential wildfire impacts related to potential future VHDR development on the MSJC Site are reduced to a less than significant level. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR Section 5.4.20.2).

Adoption of the proposed MSJC Entitlements will not result in any construction of residential units or the installation of infrastructure that would exacerbate wildfire risk. Utility and infrastructure improvements required to facilitate residential development of the MSJC Site would include water, wastewater, drainage, roadway, and electrical transmission features. A new circulation system internal to the MSJC Site and connections to adjacent roadways would be provided. Utilities, including water facilities, sewer facilities, storm drain lines, and power lines would be modified and/or extended throughout the MSJC Site. All utility lines, pipes, utility junction boxes, and transformers would be located underground and would not exacerbate fire risk. Design and implementation of utility and roadway improvements on the MSJC Site would be reviewed and approved by the City's Public Works Department as part of the development review, ensuring any proposed uses are compliant with all applicable fire codes, design standards, and regulations. Compliance with these standards would ensure a less than significant impact would occur. (Draft EIR Section 5.4.20.2).

[21] To include compliance with applicable portions of the Riverside County Fire Code (Chapter 8.32 of County's Code of Ordinances) and Ordinances No. 460 and No. 787-9, and the City of Banning's Fire Protection Code (Chapter 8.16 of the City's Municipal Code). where the Riverside County Fire Code and Banning Fire Protection Code differ, the most restrictive requirements are typically implemented.

Adoption of the proposed MSJC Entitlements will not result in any exposure of people or structures to post-fire risks, including downslope or downstream flooding or landslides, slope instability, or drainage changes. Design and implementation of improvements on the MSJC Site would be reviewed and approved by the City's Public Works Department as part of the development review, ensuring any proposed uses are compliant with all applicable fire codes, design standards, and regulations. Compliance with these standards would ensure a less than significant impact would occur.

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9.0 FINDINGS REGARDING CUMULATIVE IMPACTS

The cumulative impacts of the Project are analyzed in Chapter 6.0 of the Draft EIR. As stated in Chapter 6.0, the Project is comprised of the following components:

a. The Development Project, consisting of the proposed commercial and industrial development of a 533.8-acre property (Development Site) located in part in the City of Banning (City) and in part in the City's Sphere of Influence (SOI) in unincorporated Riverside County (County), California, which is proposed to be entitled through, among other things, adoption of the Sunset Crossroads Specific Plan (Specific Plan) and a City project for a reverse osmosis facility on the Development Site that is analyzed in this EIR; and

b. The Mt. San Jacinto College (MSJC) Entitlements, pursuant to which the City proposes to rezone a 49.2-acre property located adjacent to the Development Site, east of Sunset Avenue and south of Westward Avenue and owned by the Mt. San Jacinto Community College District[22] (MSJCCD) (MSJC Site) to very high-density residential development, creating capacity for up to 1,181 housing units to ensure no net loss of residential capacity as required under State law. Because the MSJC Entitlements propose no development and would not result in physical changes to the environment and would only allow for the potential future development of the MSJC Site, no physical environmental impacts, and thus no cumulative impacts, would result from the MSJC Entitlements action. However, buildout is anticipated by 2045, and the cumulative impacts, if any, that could occur with future physical development of the MSJC Site are considered in this chapter.

The impacts associated with the construction and operation of the Project are addressed in Chapter 4.0 (Development Project) and Chapter 5.0 (MSJC Entitlements) of the Draft EIR. The Development Project and the MSJC Entitlements are referred to collectively in the EIR as the Project, and the Development Site and MSJC Site are collectively referred to as the Project Sites. The cumulative impact analysis considered development of the Project in conjunction with other development projects and planned development as detailed in Table 6.B and Figure 6-1 of the Draft EIR, including a number of planned developments in the cities of Banning and Beaumont that have been identified as cumulative projects. The list of cumulative projects was developed through consultation with planning and engineering staff from the City of Banning and the City of Beaumont which shares a common street network with the City of Banning and would generate traffic and contribute traffic to the study area intersections.

9.1 AESTHETICS

Impact Statement: The Project would not result in cumulatively considerable impacts related to aesthetics.

[22] In collaboration with the Beaumont Unified School District, MSJC is housing the Beaumont Middle College High School at the San Gorgonio Pass Campus. The middle college high school is designed to raise graduation rates, prepares students for transfer to a 4-year institution or an associate degree, and serves underrepresented students.

Finding

Potential cumulative impacts of the Project related to aesthetics are discussed in detail in Section 6.5.1 of the Draft EIR. The City finds that the development the Project would not result in significant cumulative impacts related to aesthetics; therefore, no mitigation is required.

Substantial Evidence

The Project's potential to result in cumulatively considerable visual quality impacts would be limited locally to the City of Banning and immediate adjacent areas of unincorporated Riverside County. The Project and related public facility projects (i.e., the SLB Extension) would occur in the same general area as the Project and are not likely to be separately discernable. Other construction activities associated with the cumulative projects would be of limited duration and scale; would be dispersed throughout the City or in the City of Beaumont, and would likely not occur simultaneously; therefore, it is reasonable that construction activity itself would not result in cumulative aesthetic impacts.

With respect to scenic resources in the viewshed of the Project and the cumulative projects, the Caltrans Scenic Highway Program identifies State Route 243 (SR-243) (approximately 2 miles east of the Development Project) between I-10 and State Route 74 as both an Eligible and Officially Designated State Scenic Highway.[23] At lower elevations, views of the Project Sites and the cumulative projects are either limited or obscured from SR-243. From higher elevations along SR-243, expansive views of the cumulative area would be visible. While cumulative development would be visible, the extent of other projects relative to viewshed available from SR-243 is limited; therefore, impacts would not be cumulatively considerable.

Due to the topography, the intervening presence of existing development and landscaping, and the visual barrier of I-10, views of the cumulative project area are generally limited. The City has not designated any portion of the Development Site or the MSJC Site as a scenic resource. Future development within the viewshed of I-10 will continue to expand as structures, infrastructure, and lighting associated with the Project and cumulative projects are installed and occupied. The City's General Plan EIR recognizes development activity will result in changes to the visual character throughout the City resulting from modifications to existing vegetation and topography, and the development of new structures/facilities. Any development in the City and the cumulative area would adhere to the applicable General Plan, zoning, and specific plan regulations and development standards, including those related to the design and orientation of buildings, amenities, landscaping, signage, and lighting, which would ensure the specific aesthetic impacts from cumulative projects are appropriately addressed. Cumulative projects located in the City of Beaumont would likewise be required to adhere to the City of Beaumont's applicable General Plan, zoning, and specific plan regulations and development standards to ensure the specific aesthetic impacts from cumulative projects are appropriately addressed. Future development within the viewshed of I-10 will continue to expand as structures, infrastructure, and lighting associated with the Project and cumulative projects are installed and occupied. In addition, future development, including at the MSJC Site, would be required to undergo its own review pursuant to CEQA, which may require mitigation measures to

[23] California Department of Transportation (Caltrans). n.d. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed August 31, 2023).

reduce aesthetic impacts. The General Plan and City Municipal Code would regulate design of the anticipated development of the Project and the cumulative projects within the respective cities; therefore, the Project would result in a less than significant impact to aesthetics when measured cumulatively with future development of cumulative projects. Additionally, the Specific Plan would regulate the design of the Project to be consistent with the guidelines and standards established in the General Plan and Municipal Code; therefore, the Project would not result in a significant aesthetic impact and its aesthetic effect is not cumulatively considerable. It is reasonable to anticipate that any development in the cumulative area would adhere to the applicable General Plan, zoning, and specific plan regulations and development standards, including those related to the design and orientation of buildings, amenities, landscaping, signage, and lighting, which would ensure the specific aesthetic impacts from individual projects are appropriately addressed.

To contribute to cumulative light or glare impacts, cumulative projects must be located in the same field of view as the Project. As such, impacts with respect to light and glare are typically localized. To the extent of the Project's proximity to the cumulative projects or with respect to proximity of the Development Site and MSJC Site, there exists the possibility for the Project to result in a cumulative light and glare impact. As a project design feature, lighting on the Development Site would follow the standards identified in the Specific Plan (see Draft EIR, Appendix B, Sections 3.1 and 4.3.9). Any cumulative development would be required to comply with existing lighting regulations under the City's Municipal Code Sections 17.12.170 and 17.24.100, or the provisions of their respective Specific Plans, which encourage the minimum amount of lighting required for safety and security, appropriate shielding of all lighting, the integration of lighting into buildings where possible, and the incorporation of features to confine light spread to the boundaries of a development site. As with the Project, potential light or glare generated by cumulative projects would also be regulated by City Municipal Code and design requirements and would not be anticipated to occur, and no cumulatively considerable impact would result.

As detailed in Sections 4.1 and 5.4.1.2 of the Draft EIR, the Project's potential visual resource/aesthetic impacts would be less than significant. Section 6.0 of the Draft EIR identifies other planned developments in the City, including the Rancho San Gorgonio Specific Plan (RSG), Sun Lakes Village North (e.g., Banning Pointe) project (SLVN), and Butterfield Specific Plan (e.g., Atwell) (BSP. These cumulative projects are subject to the siting and design guidelines enshrined in their respective Specific Plans and/or the City code. The implementation of City design, siting, and development standards at a project-level basis would ensure the incremental aesthetic effect of other projects would not be cumulatively considerable. The related public facilities are typical of public improvements in an existing urban environment, and development of these facilities would not directly or cumulatively adversely affect the visual character or obstruct view to, from or through the Sites.

9.2 AGRICULTURAL AND FORESTRY RESOURCES

Impact Statement: The Project would not result in cumulatively considerable impacts related to agricultural and forestry resources.

Finding

Potential cumulative impacts of the Project related to agricultural and forestry resources are addressed in Section 6.5.2 of the Draft EIR. The City finds that the development of the Project would not result in significant cumulative impacts related to agricultural or forestry resources; therefore, no mitigation is required.

Substantial Evidence

The Project's potential to result in a cumulatively considerable impact to agricultural and forestry resources is limited to the City of Banning and Riverside County. No Prime, Unique, or Statewide Important Farmland (collectively Important Farmland), which CEQA identifies as the types of farmland to assess in the Appendix G threshold of significance 1a, is located within the City of Banning or within adjacent areas of unincorporated Riverside County, or on the Project Sites, including within the alignment of the SLB Extension. Therefore, the Project would not contribute to the cumulative loss or conversion of Important Farmland to non-agricultural use.

Neither the Development Site nor the MSJC Site are zoned for agricultural uses, or subject to the Williamson Act; therefore, the Project has no impact related to changes in agricultural zoning or Williamson Act designation. Accordingly, the Project would not have a significant cumulative effect on existing agricultural zoning/use and would not cumulatively effect Williamson Act lands.

While the Development Project will convert land designated as Farmland of Local Importance to a non-agricultural use, the Development Site has not supported agricultural uses, apart from occasional livestock grazing, since the early 1900s. Within the City there are 4,382 acres designated as Farmland of Local Importance, and the Farmland of Local Importance that will be developed as part of the Project is a small percentage of this total. Additionally, Riverside County contains approximately 221,201 acres of Farmland of Local Importance. Even if all of the cumulative projects were located on designated Farmland of Local Importance, loss of that acreage would be a small portion (1.9 percent) of the overall land designated as Farmland of Local Importance in the County. As detailed in the CEQA documents for the RSG, BSP, SLB Extension, SLVN, and other projects, those cumulative projects identified no impact related to agricultural and forestry resources or such impact has been determined to be less than significant; therefore, the incremental effects of the Project, when considered with the other projects cited in Table 6.A, would not result in a cumulatively considerable impact on Important Farmland.

The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). No land in the City is zoned for forestry uses or used for forestry/timberland production; therefore, no change to or conflict with such uses/zones would result from cumulative development in the City. In absence of any conflict or change, no cumulative impact would occur.

The Project would not involve other changes to the existing environment which, due to location or nature, could result in conversion of Important Farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, the Project would not result in the indirect conversion of

agricultural land to non-agricultural use as a result of land use incompatibilities with adjacent land uses and no cumulative impact would occur.

9.3 AIR QUALITY

Impact Statement: The Project would result in cumulatively considerable air quality impacts for construction (VOCs) and operational regional emissions for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$.

Finding

Under applicable SCAQMD standards, a project that individually has a significant air quality impact by exceeding regional emissions thresholds would also be considered to have a cumulatively considerable contribution to cumulative significant regional air quality impact. The potential cumulative impacts of the Project related to air quality are addressed in Section 6.5.3 of the Draft EIR. The City finds that the development of the Project would result in cumulatively considerable air quality impacts due to an exceedance of pollutants in excess of established SCAQMD standards for VOC (both construction and operations), and NO_X, CO, PM_{10}, and $PM_{2.5}$ (collectively, for operations), and inconsistency with the 2022 Air Quality Management Plan (AQMP). The City finds that project-related odors would be less than significant and there would not be a cumulatively considerable impact. With the implementation of Regulatory Compliance Measures (RCMs) AIR 1 through AIR-4 and Mitigation Measures AIR-1 and Air-2, the City finds that the Project would have a less than significant cumulative impact related to exposure of sensitive receptors to concentrations of localized pollutants during construction and operations, and emissions during Project construction and operations would not exceed the cancer risk and chronic hazard index thresholds with implementation of the above-referenced mitigation.[24] For these two impact areas, because the Project does not have a significant impact under the relevant SCAQMD guidance, it would not contribute to a cumulatively significant impact.

Consistency with the AQMP is based on two criteria: (1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located within the SCAG region; and (2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The Project requires General Plan amendments for the Development Project. Therefore, the City finds that the Project is not consistent with SCAG's growth forecasts, and is not consistent with the first criterion. As identified in Section 4.3 of the Draft EIR, the Development Project's regional construction emissions would result in an exceedance of volatile organic compounds (VOCs) after the implementation of mitigation. Under a conservative analysis assuming concurrent construction and operation of each phase of the Development Project (Final EIR, Revised Table 4.3.M), emissions would exceed the SCAQMD thresholds for all criteria pollutants except for sulfur oxides (SO_x). Because the Development Project exceeds the regional thresholds of significance for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$, the City finds that the Project is inconsistent with the AQMP and has a significant cumulative air quality impact. The City finds that the Project is required to comply with Mitigation Measures AIR-1 AND AIR-2, as revised in

[24] A project specific air quality analysis for the MSJC Site would be required to confirm that SCAQMD RCMs would likely reduce potential impacts from construction and development of the VHRD uses to a less than significant impact.

Final EIR, which are feasible, adopted, and will reduce cumulative air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable cumulative impact would result from construction and operation of the Project. The City finds that implementation of mitigation measures, compliance with RCMs, the Project's emissions-reducing design features and operational programs are consistent with and support overall AQMP air pollution reduction strategies. Project support of these strategies would globally promote timely attainment of AQMP air quality standards and would bring the Project into conformance with the AQMP to the extent feasible. However, the City finds that impacts would remain significant and unavoidable. Relative to AQMP consistency, the City finds that exceedance of regional thresholds by the Project would result in a cumulatively considerable and significant impact.

Several comments on the Draft EIR identified new or modified mitigation to further address the Project's significant air quality impacts. These measures were evaluated in the Final EIR and were: 1) already required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included, herein; or 3) determined to be infeasible. Mitigation Measures AIR-1 and AIR-2 (Draft EIR, pages 4.3-35) have been revised, which reduced (to the extent feasible) the air quality impacts of the Project. See the Final EIR (Section 3.0, responses to Comments, D-3-56 and D-6-4). Public comments also identified measures that were determined by the City to be infeasible; for example, the recommendation to restrict all trucks used on-site to zero-emission vehicles. While zero-emission heavy-duty trucks are commercially available, the City finds that these vehicles are not available on a large enough scale to totally support Project operations; therefore, requiring exclusive zero-emission vehicles is currently economically and technologically infeasible. Please see Findings, Section 5.1; Final EIR (Section 3.0, responses to Comment D-6-13).

The City finds that Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR, are feasible, adopted, and will reduce cumulative air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable cumulative impact would result from operation of the Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the State and outside of the responsibility and control of the City. See Final EIR, Section 3.0, Response to Comments. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

The Project's potential to result in cumulatively considerable air quality impacts extends to the South Coast Air Basin (Basin) under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The nonattainment status of a project with respect to regional pollutants for which the region is in nonattainment is a result of past and present development, and the SCAQMD develops and implements plans for future attainment of ambient air quality standards. To facilitate attainment of those standards, the SCAQMD has developed a South Coast Air Basin plan based on planned development and regional, basin-wide thresholds of significance for criteria pollutants which are

needed to attain the Clean Air Act air quality standards. Non-compliance with either is considered non-compliance with an applicable plan and a significant project level impact. Project-level thresholds of significance for criteria pollutants also determine whether a project's individual emissions would have a cumulatively significant impact on air quality. Under the applicable standards established by SCAQMD, a project that individually triggers a significant air quality impact by exceeding regional emissions thresholds would also be considered to have a cumulatively considerable contribution to the cumulative regional air quality impact.

As detailed in Draft EIR, Section 4.3, with the implementation of Regulatory Compliance Measures (RCMs) AIR 1 through AIR-4 and Mitigation Measure AIR-1, the Project was determined to have less than significant impacts related to exposure of sensitive receptors to concentrations of localized pollutants during construction (see Draft EIR, Tables 4.3.O and 4.3.P). Based on public comments received on the Draft EIR, a supplemental HRA (Final EIR, Appendix C-4) was prepared assess the additional potential health risks from resulting from revised truck trip lengths and the operation of TRUs. As with the original HRA, the supplemental HRA determined that health risk impacts at the nearest sensitive receptor while higher, would still be substantially lower than SCAQMD health risk thresholds (see Final EIR, revised Table 4.3.Q). Construction and operation of the Project would not result in odors that would adversely affect a substantial number of people, and accordingly, Project-related impacts associated with odors would be less than significant, and no mitigation measures are required (see Draft EIR, Section 4.3.6.4). For localized health risk impacts, because the Project does not have a significant impact under the relevant SCAQMD guidance, the Project would not contribute to a cumulatively significant impact.

The Development Project's regional construction emissions would result in an exceedance of volatile organic compounds (VOCs), NO_X and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) before mitigation. With the exception of VOCs, construction emissions associated with the Development Project would be reduced to a less than significant level with implementation of revised Mitigation Measure AIR-1 (see Draft EIR, Table 4.3.I); therefore, during construction, a significant and unavoidable regional cumulative air quality impact would occur. Other projects in the area, including the City's SLB Extension, the electric substation, reserve osmosis facility, potable water reservoir, and/or Sunset Avenue Bridge may be under construction at the same time as the Development Project. However, construction of the SLB Extension and electrical substation would not result in the emission of pollutants in excess of regional or localized thresholds. Such concurrent development would generate fugitive dust and equipment emissions that could result in substantial short-term increases in air pollutants in the local area without mitigation. A standard requirement during construction is adherence to applicable SCAQMD rules governing the control of fugitive dust, the application of architectural coatings, and operation of construction equipment. These rules seek to eliminate project-specific significant impacts resulting from emissions generated during development and would apply equally to the Project and the cumulative projects; therefore, the uniform implementation of these rules during construction would ensure construction impacts are not cumulatively considerable, with the exception of VOCs.

Under a conservative analysis where concurrent construction and operation of each phase of the proposed Development Project (Draft EIR, Tables 4.3.J through 4.3.M) occurs, emissions would exceed the SCAQMD thresholds for all pollutants except for sulfur oxides (SO_x). Despite implementation of

the planned Project Design Features (PDFs) and revised Mitigation Measure AIR-2 (which requires the implementation of all feasible measures to reduce operational impacts associated with the Development Project), emissions associated with operation of the Development Project would remain significant and unavoidable (see Final EIR, revised Table 4.3.N). Emissions from future operations of the MSJC Site cannot be calculated at this time, and therefore any contribution to cumulative air quality impacts is speculative. Because the MSJC Entitlements are part of the Project, the combined Project emissions also would be significant and unavoidable, and therefore cumulatively considerable. Similar to the Development Project, despite the identification of mitigation and project design features, the RSG, SLVN, BSP, and BPSP projects each identified significant and unavoidable impacts related to AQMP consistency and exceedance of pollutant thresholds for reactive organic gas (ROG), NOx, carbon monoxide (CO), PM10 and PM2.5 during project operations.[25,26,27,28] For the SLVN project, though the level of other emissions were reduced through implementation of mitigation, emissions of NOx emissions remained in excess of the SCAQMD threshold; therefore, the operational air quality impact of that project remained significant and unavoidable. Even with the implementation of Development Project mitigation, emissions of VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$ pollutants would still exceed SCAQMD standards, prompting a significant and unavoidable project level and cumulative impact (see Table 4.3.N). Due to the Project's exceedance of SCAQMD thresholds, the infeasibility of mitigation to reduce operational air quality impacts to below SCAQMD significance standards, and in combination with other inability to show that other cumulative projects could implement feasible mitigation to reduce their similar impacts, air quality impacts would cumulatively and significantly contribute to the nonattainment designation in the South Coast Air Basin.

In response to public comment on the Draft EIR, a supplemental air quality assessment (Final EIR, Appendix C-5) was prepared assess the additional potential air quality impacts resulting from revised truck trip lengths and the operation of TRUs. Public comment received on the Draft EIR requested implementation of additional mitigation measures. These measures were evaluated in the Final EIR (see Section 3.0, Responses to Comments) and were either, 1) already required through regulatory requirements, project design features, or mitigation, 2) added to mitigation, or 3) determined to be infeasible (see Final EIR, Section 3.0, responses to Comments A-3-25 and A-3-58, B-2-15 and B-2-6, D-3-56 through D-3-93, and D-6-10 through D-6-13. Additional measures have been added to revised Mitigation Measures AIR-1 and AIR-2 to further reduce, to the extent feasible, the emission of pollutants during the construction and operation of the Development Project. Examples include electrification of construction activities to the extent feasible (see Final EIR, Section 3.0, responses to Comments A-3-49, A-3-54, and D-3-45) and a requirement to ensure 90 percent of TRUs at cold storage uses be zero-emission (response to Comment A-3-64).

As stated in Section 4.3,6.1 of the Draft EIR, the Development Project was determined to be inconsistent with the AQMP, which is based on, 1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located

25 RBF Consulting. 2011. *Draft Butterfield Specific Plan Subsequent Environmental Impact Report*. June 3.
26 Placeworks. 2016. *Rancho San Gorgonio Specific Plan Final Environmental Impact Report*. October.
27 Romo Planning Group. 2020. *Sun Lakes Village North Specific Plan, Amendment No. 5, Draft Environmental Impact Report SCH No. 202002907*. September 9.
28 T&B Planning, Inc. 2022. *Draft Environmental Impact Report, Beaumont Pointe Specific Plan, City of Beaumont, California*. December.

within the SCAG region; and, 2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The Development Project[29] along with many of the projects on the cumulative project list entail a General Plan amendment and/or zone change and therefore would not be consistent with SCAG's growth forecasts, and the impact is cumulatively considerable. The Development Project also contributes to a cumulatively considerable impact under the second criterion because the regional operational-source emissions are anticipated to exceed the regional thresholds of significance for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions. The RSG, BSP, SLVN, and BPSP projects also each exceed regional emission thresholds and were determined to be inconsistent with the AQMP; therefore, the Project would have a cumulatively considerable and significant air quality impact.

9.4 BIOLOGICAL RESOURCES

Impact Statement: The Project could have a significant cumulative impact on biological resources without the implementation of mitigation measures.

Finding

A cumulatively considerable effect would occur if the Project, in conjunction with the cumulative projects, resulted in a significant impact on candidate, sensitive, or special-status species or their habitats, protected wetlands/riparian resources, wildlife movement or nursery sites, or conflicted with local policies or adopted conservation plans/programs intended to protect protected species and habitats. Potential cumulative impacts of the Project related to biological resources are discussed in detail in Draft Section 6.5.4. The City finds that the Development Project would not significantly impact protected wetlands, wildlife movement, or wildlife nursery sites; therefore, implementation of the Development Project would not result in impacts that are cumulatively significant related to these issues. One pair of burrowing owls was detected at the Development Site. The on-site burrowing owls and most, if not all, other burrows, if any are identified on the Development Site through future surveys, would be permanently impacted by implementation of the Development Project, and they would need to be relocated. The on-site burrowing owls may suffer indirect effects as a result of their forced relocation. The Los Angeles pocket mouse (LAPM) was detected at drainages within the Development Site during the 2002 and 2005 surveys, and again during surveys conducted in 2020 in limited upland areas of the Development Site; therefore, the on-site drainages and portions of the upland areas are assumed to be occupied by LAPM based on these survey results. Per the Draft EIR (pg 4.4-33), while approximately 7.92 of the approximately 8.99 acres of riparian habitat present on-site and a buffer of approximately 32.58 acres of upland area would be preserved, as some permanent impact to drainages would result from the Development Project, there is a potential to impact the LAPM. A wide variety of bird species, including many criteria, sensitive, or special-status species, have potential to occur on the Development Site, particularly while passing through during migration. These species are all protected under the MBTA as discussed in Section 4.4.4.1 of the Draft EIR. The

[29] Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City and only changes the location of the development of the units, the MSJC Entitlements would be consistent with SCAG forecasts and the first criterion identified in the SCAQMD's CEQA Handbook, and the future development of residential units on the MSJC Site would not add to cumulative impacts under this criterion.

MSJC Site is located in an area that potentially hosts MSHCP-protected biological resources; therefore, removal of vegetation, ground disturbance, landform modification, or other activities associated with subsequent development residential uses, has the potential to adversely impact protected biological resources on site.

The City finds that impacts on candidate, sensitive, or special-status species from development of the MSJC Site would be substantially similar to those on the Development Site and accordingly would be mitigated to a less than significant level by imposition of MSJC Site Mitigation Measures BIO-1 through BIO-5 identified in Section 5.4.4.2 of the Draft EIR. Additionally, the City finds that Mitigation Measures BIO-1 through BIO-16 (see Section 4.1.1 of these Findings), revised as appropriate in response to public comments, and MSJC Mitigation Measures BIO-1 through BIO-5 (see Section 8.1.4 of these Findings) would minimize and mitigate impacts to biological resources to less than significant through the protection, conservation, and/or restoration of on-site biological resources. The City finds that the identified mitigation measures are feasible, required, and appropriate to reduce impacts to biological resources to a less than significant level, and therefore would not contribute to a cumulatively considerable impact. The City further finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

The City also finds that significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City. See Draft EIR Section 6.5.4. The cities of Banning and Beaumont and the County of Riverside are each permittees to the MSHCP. The cumulative area for jurisdictional features and sediment transport is the Whitewater River watershed. As with the Project, the cumulative projects may result in the modification of existing landforms, vegetation, habitats, and jurisdictional features, and may alter the volume and/or intensity of sediment transport. Depending on the location and design of each cumulative project and the avoidance measures implemented to avoid these impacts, impacts to sensitive biological resources, habitats, and jurisdictional waters will occur, but the City finds that Project compliance with identified mitigation measures that are feasible, required, and appropriate to reduce impacts to biological resources to a less than significant level, and therefore would not contribute to a cumulatively considerable impact.

Substantial Evidence

As discussed in Section 4.4 of the Draft EIR, the Development Project would not significantly impact protected wetlands (Draft EIR Section 4.4.3.5), wildlife movement (Draft EIR Section 4.4.6.4), or wildlife nursery sites (Draft EIR Section 4.4.6.4); therefore, implementation of the Development Project would not result in impacts that are cumulatively significant related to these issues. The Project's potential to result in cumulatively considerable impacts to biological resources extends to the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Area and the Whitewater River watershed (for impacts related to jurisdictional features). The cumulative impact analysis considers development of the Project, including the MSJC Site, in conjunction with other development projects and planned development in the vicinity of the Project Sites.

The MSHCP sets forth conservation goals for each covered species. A development project must either demonstrate that the conservation goals for each covered species identified within the development site have been met or prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report enumerating mitigation measures to achieve equivalent or superior preservation for each not conserved covered species through deed restriction, conservation easement, or other appropriate method. The City of Banning was a party to the Implementing Agreement for the MSHCP and is a member of the Regional Conservation Authority (RCA).

Implementation of Mitigation Measures BIO-1 through BIO-16 would reduce potential impacts to candidate, sensitive, or special-status species present on the Development Site through habitat preservation or enhancement, active or passive relocation. Along with these mitigation measures, impacts to burrowing owl and LAPM would be further reduced through the permanent conservation of riparian/riverine lands on site (7.92 of 8.99 acres) as well as a surrounding upland area buffer of approximately 32.58 acres. To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to biological resources from adoption of these entitlements would be less than significant. While subsequent development of the MSJC Site with residential uses could potentially significantly impact biological resources; implementation of the MSJC Site Mitigation Measures BIO-1 through BIO-5 would reduce impacts to biological resources resulting from subsequent development on the MSJC Site to a less than significant level.

The City's Municipal Code, Chapter 15.72.050, details the purpose and procedures for adherence to applicable provisions of the MSHCP including habitat evaluation, implementation requirements for protection of riparian/riverine areas and narrow endemic species, conduct of required focused biological species, and compliance with MSHCP guidelines for urban/wildland interface. Chapter 15.72 requires the imposition of conditions or mitigation to ensure each project complies with the applicable biological resource protection polices detailed in the MSHCP. Additionally, as required under the MSHCP, each permittee has established a fee program to collect required MSHCP mitigation fees. Banning Municipal Code Chapter 15.72.060 identifies the requirements for payment of MSHCP fees. The fees collected are to be used to finance the acquisition and perpetual conservation of the natural ecosystems and certain improvements necessary to implement the goals and objectives of the MSHCP. The mitigation fee must be paid no later than at the issuance of a building permit. Currently, MSHCP fees (effective July 1, 2023) range from $781 per residential unit (greater than 14.1 units/acre) to $19,066/acre for commercial and industrial development. Significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City.

As with the Project, the cumulative projects in the cities of Banning and Beaumont and in unincorporated areas of Riverside County, may result in the modification of existing landforms, vegetation, habitats, and jurisdictional features, and may alter the volume and/or intensity of sediment transport. Depending on the location and design of each cumulative project and the avoidance measures implemented to avoid these impacts, impacts to sensitive biological resources,

habitats, and jurisdictional waters will occur. While the Project and the cumulative projects may conserve a portion of their property by protecting areas within local drainages, development on these sites represents a cumulative loss of habitat. For each cumulative project, it is anticipated the project-specific effects to jurisdictional features and sediment transport will be assessed during the project-specific permitting process and mitigation will be imposed consistent with the requirements of the MSHCPs.

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area lies downstream of the Development Site. The CVMSHCP was designed, in part, to conserve species which depend specifically on the preservation of their respective sand dune or sand sheet habitats in CVMSHCP Conservation Area(s). As stated in Section 4.10 of the Draft EIR, while the city is not located within the boundaries of the CVMSHCP or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the City and then onward to the San Gorgonio River. Mitigation Measures HYD-1, HYD-2 and BIO-16 have been identified to address and mitigate potential Project impacts related to the transport of sediment (Final EIR Section 4.4.6.1, Final EIR Section 4.10.6.3, and Draft EIR Section 6.5.10) (see also Final EIR, Section 3.0, response to Comment A-4-7). Cumulative development, such as the Rancho San Gorgonio (RSG) project, Butterfield Specific Plan (BSP), and SLB Extension projects, have or are currently addressing this issue in their respective environmental clearance and/or permitting actions. Adherence to the project-level measures would ensure no cumulatively considerable sediment transport would result from cumulative development activity. Similarly, the Project would be required to comply with respective permit requirements such that the impacts to jurisdictional features and sediment transport are reduced to a less than significant level. The collective adherence of permit requirements will ensure the regional (watershed) cumulative impacts on jurisdictional features and sediment transport remain less than significant.

Significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City. The Project, including the identified Mitigation Measures, are in compliance with the conservation goals and guidelines of the MSHCP. Other cumulative projects in the City or MSHCP would be equally required to implement measures to achieve compliance with the MSHCP; therefore, no significant adverse cumulative effect to biological resources would occur.

9.5 CULTURAL RESOURCES

Impact Statement: The Project would not result in significant cumulative cultural resources impacts.

Finding

The potential cumulative impacts of the Project related to cultural resources are discussed in detail in Draft EIR, Section 6.5.5. The cultural resources record search identified 68 previously recorded cultural resources within one mile of the Project Sites, with only one, an isolate, determined to be prehistoric. The remaining are historic sites, buildings, and features, including 39 single-family residences, three multifamily residential properties, eight commercial buildings, one ranch complex, two remnant ranch

foundations/features, one motel, two industrial building complexes, one transmission line, one road, one railroad alignment, six erosion control features/water conveyance systems, and two trash scatters. Two of the previously recorded resources (P-33-013778 Historic Ranch Foundations/Features and RIV-7544 Historical erosion control feature[s]/water conveyance system) are located within the Development Site and the SLB Extension. Within the MSJC Site, one resource (P-33-009176) containing historic buildings associated with a ranch complex tied to Barker Ranch was previously recorded. The standing structures associated with this resource were demolished in 2010 for the construction of the MSJC campus buildings. Six previously recorded and 12 new cultural resource/sites were identified during the cultural assessment of the RSG project site, located directly east and south of the Development Sites.

The City finds that Mitigation Measures CUL-1 through CUL-6 Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations which would minimize and mitigate Project impacts to cultural resources to less than significant. The City also finds that the cumulative projects have, are, or will be required to complete project-specific cultural resource assessments and be subject to the same resource protection requirements and CEQA process as the Development Project that would reduce those impacts to less than significant, and that therefore cumulative impacts to historic and archaeological resources would be less than significant. The City further finds that the identified Project mitigation measures are feasible, required, and appropriate to reduce Project and cumulative impacts to cultural resources to a less than significant level, and that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

Substantial Evidence

The cumulative area for cultural resources is the City and its Sphere of Influence (SOI). The cultural resources survey areas and the survey reports for the Development Site encompass the area planned for the eventual development of the related public facility projects including the SLB extension; therefore, for those projects, the cumulative effect is accounted for in the impacts identified for the Development Site.

A cultural resources assessment was conducted for the Development Site (see Section 4.5). Mitigation Measures CUL-1 through CUL-6 have been identified to: (1) require the retention of a qualified archaeologist during all ground disturbance activities and pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological

practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations.

One historic-period archaeological resource, Site 33-013779 (CA-RIV-7544), and one built environment resource, 33-013778, are located within the limits of the SLB Extension. Eighteen cultural resources were found on the RSG site (Draft EIR Section 6.5.5. Ground disturbance associated with the Project and cumulative projects could potentially affect previously unidentified archaeological sites and/or associated human remains. The City's General Plan EIR states, "…All development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approvals." Mandatory compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097 et seq., would assure that the Project and all cumulative Projects treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts. In addition, as with the Project, the cumulative projects have, are, or will be required to complete project-specific cultural resource assessments required under the City's General Plan and similar to the Project, impacts on known or previously unknown cultural resources on adjacent sites would be required to be mitigated to less than significant levels with appropriate mitigation measures adopted as part of the respective approvals of those projects. Other development projects would be required to undergo discretionary review and be subject to the same resource protection requirements and CEQA process as the Development Project that would reduce those impacts to less than significant. Therefore, with implementation of appropriate project-specific mitigation, cumulative impacts to historic and archaeological resources would be rendered less than significant.

9.6 ENERGY

Impact Statement: The Project would not result in cumulatively significant impact related to energy.

Finding

The potential cumulative impacts of the Project related to energy are discussed in detail in Section 6.5.6 of the Draft EIR. The City finds that the construction and operation of the Project would not result in significant cumulative impacts related to energy; therefore, no mitigation is required.

Substantial Evidence

Cumulative energy impacts would result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. The cumulative projects are subject to CEQA and required to conduct an energy analysis, consistency with existing plans and policies for renewable energy and energy efficiency, and implementation of control measures and mitigation if necessary to avoid wasteful, inefficient, or unnecessary consumption of energy resources.

The cumulative area for electricity and natural gas energy resources is the service areas of the utility providers. The Project Sites are within the service territory of the Banning Electric Utility (BEU). BEU is a not-for-profit, publicly owned retail electrical energy distribution utility. Southern California Gas

Company (SoCalGas) provides natural gas to approximately 21.8 million people in a 24,000-square-mile service area throughout Central and Southern California, from Visalia to the Mexican border.

As with the Project, the largest energy use during construction of the cumulative projects would likely occur from the transport and use of construction equipment, delivery vehicles and haul trucks, construction worker vehicles, and use of on-site equipment that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Fuel consumption from transportation uses depends on the type and number of trips, VMT, the fuel efficiency of the vehicles, and the travel mode. While it would be speculative to precisely identify the fleet mix used by persons working on cumulative development sites, it must be noted that updated Corporate Average Fuel Economy (CAFE) regulations establish fuel efficiency standards for model years 2024 through 2026, requiring an industry-wide fleet average of approximately 49 miles per gallon (mpg) for passenger cars and light trucks in model year 2026. The updated standards require fuel efficiency increases of 8 percent annually for model years 2024 and 2025, and 10 percent annually for model year 2026. It is anticipated that these updated standards avoid the consumption of about 234 billion gallons of gasoline between model years 2030 to 2050.[30] As cumulative development occurs, construction vehicles would collectively and appropriately adhere to the fuel efficiency standards enshrined in the CAFE regulations. The cumulative projects would be required to comply with the California Air Resources Board's (CARB) Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes, CARB's Truck and Bus Regulation, and federal fuel efficiency requirements, which would minimize fuel consumption, and other regulatory requirements designed to increase fuel efficiency. In addition, because petroleum use during construction would be temporary and relatively minimal in comparison to overall usage, it would not be wasteful or inefficient. It is reasonable to anticipate (as with the Project) that such fuel use would have a negligible effect on the amount or availability of fuel resources during cumulative development (see Draft EIR, Section 4.6.6.1); therefore, no cumulatively significant conflict or obstruction with an energy efficiency program would occur.

The Project and other cumulative projects would result in an increased services demand in electricity and natural gas. As discussed in the Draft EIR, Section 4.6**,** the total annual electricity consumption in the BEU service area in 2022 was 151.5 gigawatt-hours (GWh). The BEU has included the energy usage by this Development Project as well as other large commercial and residential developments or industrial projects in its future planning, which has enabled it to enter into long-term contracts for the purchase of renewable sources of electricity as required by State law. The Project, in combination with cumulative projects, is well within BEU's system-wide net increase in electricity supplies annually over the 2018 to 2030 period and, with construction of the electrical substation, there are sufficient planned electricity supplies in the region for estimated net increases in energy demands and the increases are not significant.

[30] It should be further noted that approval of any one cumulative project does not ensure that development will occur. The timing and/or certainty of development is in part based on economic conditions, market demand, legal/regulatory, and/or community factors. For example: The RSG project (2016) anticipated building out of a Master Planned residential community over a 20-year period. Currently, no development has yet occurred on the RSG site. It is uncertain if the projects identified in Table 6.B of the Draft EIR will be developed at the time and in the manner outlined in their respective approvals.

Similarly, additional natural gas infrastructure is not anticipated due to cumulative development. Total natural gas consumption in the Southern California Gas Company (SoCalGas) service area in 2022 was 5,026.5 million therms. Total natural gas consumption in SoCalGas's service area is forecast to remain steady between 2018 and 2035 for the low- and mid-demand scenarios and to increase by approximately 650 million therms in the high-demand scenario due to intense energy efficiency efforts.[31] It is anticipated that SoCalGas would be able to meet the natural gas demand of the Project and cumulative projects without additional facilities. In addition, both BEU and SoCalGas's demand forecasts include the growth contemplated by the Project and the related projects. BEU and SoCalGas plan to continue to provide reliable service to their customers and upgrade their distribution systems as necessary to meet future demand.

As stated in Sections 4.6 and 5.4.6.2 of the Draft EIR, future use of the Project Sites would incorporate the most current energy efficient/energy conserving designs; adhere to vehicle fuel efficiency requirements; and install the fixtures, features and facilities meeting the energy efficiency requirements in effect at the time of development. The California Energy Code is a building code for Building Energy Efficiency Standards for Residential and Nonresidential Buildings that imposes building standards to reduce energy consumption through efficient lighting and heating standards among other requirements. Increased building energy efficiency will reduce energy consumption on a per square foot basis. The 2022 Energy Code establishes specifications related to electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, requires solar roofs on multifamily residential units of 3 stories or less, and strengthens ventilation standards. Since January 1, 2023, projects that apply for building permits must comply with the 2022 Energy Code. Based on its mix of generation sources, BEU currently has a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030. This satisfies Renewable Portfolio Standard (RPS) targets for 2030 mandated under Senate Bill 100.

The Project and cumulative projects are required to comply with various federal and State government legislation to improve energy efficiency in buildings, equipment, and appliances and reduce vehicle miles traveled. The State of California provides a minimum standard for building design and construction standards through Title 24 of the California Code of Regulations (CCR), known as the California Building Code (CBC). The CBC is updated every 3 years, and the current 2022 CBC went into effect in January 2023 and is applicable to the Development Project. The California Building Standards Commission adopted Part 6 of the Title 24 Building Energy Efficiency Standards and adopted Part 11 (referred to as the California Green Building Standards Code, or CALGreen) as part of the State's efforts to reduce greenhouse gas emissions and energy consumption from residential and non-residential buildings. CALGreen covers the following five categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) indoor environmental quality. As the cumulative projects are developed, it is reasonable to assume that provisions of the applicable energy and/or building codes would be implemented, furthering the efficient use of energy resources. Regulatory Compliance Measure ENG-1 is a regulatory requirement imposed on all projects by the City to ensure the incorporation of required features to meet code requirements and ensure efficient use of energy for building operations. Accordingly, as cumulative projects are developed, they would comply with the applicable

[31] Ibid.

CALGreen Code requirements and Title 24 efficiency standards, so they would not significantly obstruct or conflict with adopted plans for renewable energy and energy efficiency, and no cumulative impacts would result.

Based on fuel consumption obtained from the CARB California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel will be consumed from vehicle trips in Riverside County in 2023. Based on estimated VMT, the Development Project would use approximately 1.423 and 6.667 million gallons of gasoline and diesel fuel, respectively (approximately 1.5 percent of Countywide gasoline fuel usage and 2.01 percent of Countywide diesel fuel usage). While the size and nature of the cumulative projects vary, it is reasonable to conclude that each will require the use of vehicle fuels. The amount of fuel used will vary, but even collectively and due to the incremental percentage of fuel used, the operation of the cumulative projects regarding the amount of fuel required does not represent a meaningfully significant percentage of the total fuel used in Riverside County. As stated previously, the fuel standards established under the CAFE regulations require an industry-wide fleet average of approximately 49 mpg for passenger cars and light trucks in model year 2026. It is reasonable that use of vehicles adhering to updated CAFE standards and the increasing use of electric vehicles will exert a downward pressure on total vehicle fuel usage.

The Development Project and, if developed, the VHDR on the MSJC Site, will increase energy use; however, it will be used efficiently and therefore would not result in a significant impact. Construction and operation of the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant. Mitigation is not required. While development of the Project and other cumulative projects would increase the demand for vehicle fuels, electricity and natural gas over current use, it is anticipated that the fuel efficiency of vehicles and energy efficiency in buildings will increase over the lifetime of these projects. Further, compliance with the existing and future regulatory requirements would ensure that the Project and the cumulative projects do not result in an inefficient, wasteful, and unnecessary consumption of energy. Therefore, the Project's contribution to impacts related to the inefficient, wasteful, and unnecessary consumption of energy would not be cumulatively considerable, and no mitigation is required.

9.7 GEOLOGY AND SOILS

Impact Statement: The Project would not result in a cumulatively considerable impact related to geology and soils (risk of loss due to earthquakes, substantial soil erosion/loss of topsoil, risks due to unstable geologic unit/soil, expansive soil, erosion, or septic tanks).

In the absence of mitigation measures, the Project has the potential to directly or indirectly impact a paleontological resource and contribute to cumulative considerable impacts.

Finding

The potential cumulative geology and soils impacts of the Project related to risk of loss due to fault rupture, seismic shaking, ground failure, erosion, unstable soil, expansive soil, landslides and septic tanks are discussed in detail in Section 6.5.7 of the Draft EIR. The cumulative projects would be required to comply with the Regulatory Compliance Measures (RCMs) or the equivalent applicable to

the Project. The City finds that with application of the RCMs, which require site development to follow the recommendations detailed in the development of the proposed Project, no significant cumulative impacts related to geology and soils would result; therefore, no mitigation is required.

The potential Project impacts related to paleontological resources is addressed in Section 4.7.6.9 and 6.5.7 of the Draft EIR. While the Quaternary sediments on the Project Sites have an "Undetermined" paleontological sensitivity, typically in western Riverside County, these sediments are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, and others). The Project could result in direct impacts to paleontological resources within the Project Sites should such resources be discovered during Project-related construction activities. The City finds that Project compliance with Mitigation Measures GEO-1 and MSJC Site GEO-1 and GEO-2, would reduce impacts to paleontological resources to less than significant. The City further finds that the cumulative projects, as appropriate, would be required to comply with comparable measures. The City finds that these measures are feasible, adopted, and will reduce impacts to paleontological resources attributable to the Project to less than significant. Therefore, the Project will not contribute to a cumulatively considerable impact, and its cumulative impact is less than significant.

Substantial Evidence

Typically, geology and soils impacts are specific to a particular site and there is little, if any, cumulative relationship between the development of a proposed project and development within a larger cumulative area; therefore, the geographic scope of the cumulative impact analysis for geology, soils, and seismicity includes the Development Site and the MSJC Site. The area included in the geologic assessment (Draft EIR, Appendix F-1) prepared for the Development Site encompasses the area planned for the eventual development of the related public facility projects; therefore, the cumulative effects associated with those projects are accounted for in the impacts identified for the Development Site.

Issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the Project Sites, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur at the location(s) of other cumulative projects. Construction activities associated with the MSJC Site and cumulative projects would include some level of earthmoving, trenching, and/or temporary stockpiling, which could contribute to cumulative soil erosion effects. A standard development requirement is compliance with relevant federal, State, and local laws, which require preparation of Storm Water Pollution Prevention Plans (SWPPPs) to identify, evaluate, and minimize erosion and sedimentation from construction sites. The SWPPPs generally identify the project-specific Best Management Practices (BMPs) and erosion control features that would be implemented to prevent soil erosion that may result from construction activities. For the Development Project, RCM WQ-1 requires preparation of a SWPPP, and construction BMPs detailed in the SWPPP would be implemented during construction. Additionally, as specified in RCM WQ-2, an Erosion and Sediment Control Plan would be prepared and submitted to the City's Public Works Department prior to issuance of any grading permit in compliance with the City's Municipal Code. Regulatory compliance would be required for the MSJC Site and all other related projects as well.

The project-specific geotechnical investigation prepared for the SLB Extension did not identify significant geotechnical or soil-related issues. While seismic events may affect a broad region, implementation of the Development Project would not increase the intensity, frequency, or duration of seismic events or the properties of off-site geology or soils. The CBC (adopted by reference in Chapter 15.08 [Construction Codes] of the City's Municipal Code) contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards.

In addition, the California Building Code (adopted by reference in Chapter 15.08 [Construction Codes] of the City's Municipal Code) contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. Regulatory Compliance Measure (RCM) CM GEO-1 requires all structures to be designed in accordance with the seismic parameters presented in the Geotechnical Assessment prepared for this Development Project. RCM GEO-2 further requires that the recommendations detailed in the Geotechnical Assessment are appropriately incorporated/ implemented during design, grading, and construction activities on the Development Sites. Adherence to applicable sections of the most current CBC and the site-specific recommendations identified in the Geotechnical Investigation would effectively minimize the potential effects of liquefaction, ground shaking, landslides, and other seismically induced hazards. MSJC Site RCM GEO-1 similarly requires the preparation of a site-specific geotechnical assessment and adherence to the recommendations related to design, grading, construction, and/or development on the MSJC Site. It is reasonable to expect similar measures would be implemented on cumulative projects. Furthermore, because potential geologic hazards are generally site-specific, there would be no direct or indirect cumulative effect when considered with other projects; therefore, the Project's impact relative to geology and soils would not be cumulatively considerable.

Sediments mapped as Quaternary older and younger alluvial fan sediments in western Riverside County are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, etc.). Combined with other past, present, and reasonably foreseeable projects in the City of Banning, the Project could contribute to a cumulatively significant impact due to the overall loss of paleontological remains unique to the region. The Development Project and MSJC Entitlements each identify (Mitigation Measures GEO-1 and MSJC Site GEO-1 and GEO-2) to reduce the level of impact to paleontological resources at each of these sites to a less than significant level. See Draft EIR Sections 4.7 and 5.4.7.2. The SLB Extension and RSG Project require similar mitigation to reduce the project-level paleontological resource impacts on those sites to a less significant level.

There are no unique geologic features in the Project vicinity. Cumulative development in the City, would be required to undergo environmental review pursuant to CEQA. The potential for significant impacts to paleontological resources or unique geologic features would be identified in a project-level investigation to determine the nature and extent of the impacts and/or resources and to identify appropriate mitigation measures. The implementation of project-level mitigation, tailored to the specific nature of each cumulative site, would ensure that the development of cumulative projects in the City would not result in significant cumulative impacts to unique paleontological resources or unique geologic features.

9.8 GREENHOUSE GAS EMISSIONS

Impact Statement: The Project would result in a cumulatively considerable impact related to GHG emissions.

Finding

Under CEQA Guidelines Section 15064.4, greenhouse gas (GHG) and climate change-related impacts are inherently cumulative, and any project level GHG emissions above an applicable threshold of significance – here 3,000 MT CO_2e - would have a cumulative impact. The unmitigated emission of 62,844.96 MT CO2e and mitigated emissions of 44,313 MT CO2e (see Final EIR, Tables 4.8.F-1 and 4.9.J-1, respectively). Accordingly, the City adopts the findings for GHG emissions in Section 5.2.1 as though fully set forth. The cumulative impacts of the Project related GHG emissions are discussed in detail in Section 6.5.8 of the Draft EIR with additional, supplemental analysis provided in Section 4.0 and Appendix C-6 of the Final EIR.

In addition, because the MSJC Entitlements are not a physical project, no GHG emissions would result from the entitlement actions themselves. The GHG emissions that may result from the subsequent residential development of the MSJC Site cannot be determined until such a project is proposed. Because the Project is comprised of both the MSJC Entitlements and Development Project, the City finds that Project-related GHG emissions would exceed the City's 3,000 MT CO2e per year significance threshold, and Project impacts are cumulatively significant.

The Development Project is generally consistent with and/or would not conflict with applicable GHG reducing plans or policies. These plans and policies are the GHG emission reduction policies, measures, goals, or strategies identified in the City's General Plan, applicable Scoping Plan(s) including the CARB 2022 Scoping Plan, and Riverside County CAP, Regional Transportation Plan (Connect SoCal), or the 2022 Air Quality Management Plan. However, due to the annual volume of CO_2e emitted in excess of the City's 3,000 MT CO_2e per year threshold, and the infeasibility of additional mitigation measures to reduce the impacts of the Development Project to less than significant, the City finds that Development Project's contribution of GHG is cumulatively considerable. In addition, because the Project is comprised of both the MSJC Entitlements and Development Project, the City finds that Project-related GHG emissions would exceed the City's 3,000 MT CO2e per year significance threshold, and Project impacts are cumulatively significant concerning applicable GHG reducing plans or policies.

The City finds that the revised mitigation measures identified in Final EIR are feasible, are adopted, and will reduce GHG impacts attributable to the Project to the extent feasible, and that additional, suggested mitigation measures are infeasible for the reasons stated in the Final EIR and responses to comments. The City further finds that regulations that control heavy-duty truck emissions are the responsibility of the State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

Under CEQA Guidelines Section 15064.4, greenhouse gas (GHG) and climate change-related impacts are inherently cumulative, and any project level GHG emissions above an applicable threshold of significance would have a cumulative impact.

Based on comments received during public review of the Draft EIR, a supplemental greenhouse analysis was conducted to account for emissions from updated truck trip lengths trucks by axle type which conform to SCAQMD WAIRE Guidelines and emissions from transport refrigeration units (TRUs) (see Final EIR, Appendices C-5 and C-6). These additional emissions were added to those previously identified for the Project. This additional analysis identified, at buildout, with the incorporation of project design features, the Development Project's unmitigated emissions with incorporation of the PDFs would be approximately 62,844.96 MT CO_2e annually from both construction and operations[32] (see Final EIR, Table 4.8.F-1). Comments received during public review of the Draft EIR identified a variety of potential measures that could reduce the volume of criteria pollutants and greenhouse gases emitted during the construction and operation of the Development Project. For example, the suggestion that all truck traffic related to the Development Project utilize zero-emission vehicles. Currently, and for the foreseeable future, requiring the Project to use all zero-emission trucks is economically and technologically infeasible, as such trucks are not commercially available on a large enough scale to serve the Project. Imposing mandatory requirements on the Project based on an emerging, not yet established technology when the technological advances and timeframes for readily available quantities of such trucks are not known with any certainty, is not a feasible mitigation measure. (See Final EIR, Section 3.0, responses to Comments A-3-25, A-3-26, and A-3-27). Another suggestion was the installation of roof-top solar panels to the extent feasible. While the City will require Project buildings be to designed and constructed to include solar-ready roof and solar facilities required for commercial and office space in the industrial buildings, the installation of solar panels beyond those required by law is not anticipated at this time as the City prefers that new commercial and industrial uses refrain from installing solar roofs and purchase electricity from BEU to facilitate and support the utility's long-term renewable energy contracts (see Final EIR, Section 3.0, response to Comment A-3-64). Other measures suggested by commenters were either, (1) already included in the Draft EIR, (2) incorporated into the Final EIR through the revision of the mitigation measures previously identified in the Draft EIR, and/or (3) determined by the City to be infeasible. The discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section 3.0, including (but not limited to) the responses to Comments A-3-28, A-3-58, A-3-60, B-2-15, B-2-16, D-3-8, D-3-53 and D-3-56 through D-3-93, and D-6-4.

Project design features (PDFs) to reduce the emission of GHGs have been previously identified in Draft EIR, Draft EIR, Section 4.8.5.1, (pg 4.8-23) and Appendix C-3 (pg 31). The Specific Plan has been revised to require compliance with California Building Code Title 24, Part 6 solar requirements which have been continuously evolving. Previously, consistent with the CALGreen requirement, only solar ready

[32] This includes total construction emissions amortized over 30 years per 2008 SCAQMD Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans.

roofs were required for non-residential development. The revised GHG analysis includes the updated CALGreen solar roof requirements for non-residential analysis:

> All Commercial and Industrial buildings within the Development Project will have solar ready roofs, that includes roof vents and skylights spaced in a manner that allows the south facing roof areas sufficient space to install PV solar panels. In addition, all Commercial buildings shall install PV solar panels with the capacity to generate at least 20 percent of the Commercial buildings' expected electricity consumption. All Industrial buildings shall install PV solar panels with the capacity to generate the expected electricity consumption of the office space of the warehouses and otherwise comply with Title 24, Part 6. Electric conduit leading from the roof area to the electric control panels shall be installed and include electrical panels with sufficient capacity to accommodate PV solar.

This has been incorporated into the Final EIR (Final EIR Section 4.6.4.2 and Section 6.5.6.2). Quantifiable greenhouse gas reducing practices have been identified in revised Mitigation Measures AIR-1 and AIR-2 and GHG-1 through GHG-7, along with previously identified and new PDFs, would reduce emissions to 44,313.0 MT CO_2e per year at Project buildout (see Final EIR, Table 4.8.J-1), which would still exceed the City's threshold of 3,000 MT CO_2e. Again, the majority of these are generated from mobile sources that are regulated by the State and not the City. Therefore, the Project's GHG emissions are significant and would be cumulatively considerable.

The County of Riverside Climate Action (CAP) determined a baseline GHG emissions inventory, and calculated percentage reductions needed to meet 2020, 2030, and 2050 reduction goals. See Draft EIR, Sections 4.3 and 4.8. Consistency with the CAP is demonstrated as the Development Project greatly exceeds the 100-points (+586 points) needed to show consistency with the CAP. See Draft EIR Table 4.8.K. Through the incorporation of project design features (PDFs) and Mitigation Measures AIR-2, and GHG-1 through GHG-7 (including the addition of GHG-7 expressly verifying implementation of the total number of CAP points (see the response to Comment D-3-8) the Development Project implements actions required for consistency with the CAP (and therefore 2030/2050 GHG reduction goals). See also response to Comment D-3-13 and D-3-32. Furthermore, as demonstrated in Tables 4.8.K through 4.8.O of the Draft EIR, the Development Project is consistent with and/or would not conflict with the GHG emission reduction policies, measures, goals, or strategies identified in the City's General Plan (Draft EIR, Table 4.8.L, pg 4.8-33), the Riverside County CAP (Draft EIR, Table 4.8.K, pg 4.8-323), applicable Scoping Plan(s) (the 2022 CARB Scoping Plan) (Draft EIR, Table 4.8.M, pg 4.8-35), Regional Transportation Plan (Connect SoCal) (Draft EIR, Table 4.8.N, pg 4.8-37 and -38), and the 2022 Air Quality Management Plan (Draft EIR, Table 4.8.O, pg 4.8-38). As previously stated, discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section 3.0, Where feasible, revisions to mitigation and the incorporation of new PDFs have been identified to reduce GHG emissions. As established in the previously cited responses to public comments, due to the annual volume of MT CO_2e emitted in excess of the City's 3,000 MT CO_2e per year threshold, and the infeasibility of additional mitigation measures to reduce the impacts of the Development Project to less than significant, the Project's contribution of GHG is cumulatively considerable. The GHG analyses conducted for various cumulative

projects[33] each identified significant and unavoidable emissions of GHGs in excess of established thresholds and concluded the projects' contribution of GHG emissions would be cumulatively significant.

GHG emissions from development of the MSJC Site cannot be determined until a project is proposed, and approval of the MSJC Entitlements will not result in GHG emissions. Because the Project is comprised of both the MSJC Entitlements and Development Project, Project-related GHG emissions would exceed the City's 3,000 MT CO_2e per year threshold. The majority of the GHG emissions are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards over which the City has no control.

9.9 HAZARDS AND HAZARDOUS MATERIALS

Impact Statement: The Project would not result in a cumulatively considerable impact related to hazards and hazardous materials.

Finding

The potential cumulative impacts of the Project related to hazards and hazardous materials are discussed in detail in Section 6.5.9 of the Draft EIR. The City finds that with the application of mandatory RCMs, the development of the proposed Project would not result in significant cumulative impacts related to hazards and hazardous materials; therefore, no mitigation for cumulative impacts is required.

Substantial Evidence

Cumulative impacts with respect to hazards and hazardous materials would occur when the Project and cumulative projects, taken as a whole, would result in accidental spills or inadvertent releases of hazardous substances, create an increased wildfire impact, emit hazardous substances within 0.25 mile of a school, or create a public safety hazard relative to airport safety. The cumulative areas for this issue are the Project Sites and immediately adjacent areas.

The Project Sites are not included on any of the queried databases of hazardous materials sites that could create a significant hazard to the public or the environment. A search of the California Office of Environmental Health Hazard Assessment database and Cleanup Sites Map indicated no active cleanup sites within the vicinity of the Project Sites. Two inactive sites are located approximately 0.5 mile north of the Development Site, north of Interstate 10 (I-10).

Construction within the Project Sites, and at the cumulative projects would increase the regional transport, use, and disposal of hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used during construction operation of various land uses. It is reasonable to anticipate that applicable State and federal regulations for the proper transport, use, storage, and disposal of hazardous materials and hazardous would be. Additionally, RCMs WQ-1, WQ-

[33] For example, 'mitigated' GHG emissions from the selected cumulative projects include Butterfield Specific Plan (124,025 MT CO_2e), Rancho San Gorgonio Specific Plan (46,000 MT CO_2e), Sun Lakes Village North (11,966 MT CO_2e), and Beaumont Pointe Specific Plan (60,638 MT CO_2e).

2, and WQ-3 require compliance with the waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction, thus ensuring cumulative impacts during construction remain less than significant (Draft EIR, pg 6-37).

As established in Section 4.9, the Phase I Environmental Site Assessment prepared for the Development Site identified several listings for off-site adjacent or nearby properties on databases potentially indicative of a contamination concern. However, none of these listings are considered as a "recognized environmental condition." RCM HAZ-1 requires the preparation of a Hazardous Materials Business Plan that includes (at a minimum) an inventory of hazardous materials used and stored on site, a site map, an emergency plan, and a training program for employees. Compliance with all applicable regulations presented in Section 4.9.4 would reduce potential impacts from the transport, use, storage, and disposal of hazardous materials to a less than significant level. These regulatory requirements would apply to the cumulative projects which therefore would also have a less than significant impact. The MSJC Site was evaluated via regional and State hazardous materials databases (see Section 5.4.9.1). Based on this review, there are no known conditions on the MSJC Site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. At the time of development occurs, MSJC Mitigation Measures HAZ-1 and HAZ-2 require the preparation of a site-specific Phase I Environmental Site Assessment and submittal of evidence that any required site-specific compliance measures identified have been appropriately implemented and/or incorporated into MSJC Site design. No significant hazardous material related to construction of the SLB Extension has been identified in the project-specific investigation prepared for that roadway improvement effort. The area included in the hazard materials assessment prepared for the Development Site encompasses the area planned for the eventual development of the electrical substation and water reservoir; therefore, it is reasonable the less than significant cumulative effect is accounted for in the impacts identified. Once constructed, these public facilities may require the incremental use of hazardous substances, but it is anticipated any such use would comply with accepted use, storage, and disposal requirements, and their operation would not contribute to a significant cumulative impact.

The geographic scope of impacts associated with hazardous materials generated or released on the any site generally encompasses that site and areas immediately adjacent to or within a 0.25-mile radius. Construction and operation/occupation within the Project Sites, and at the cumulative projects would increase the regional transport, use, and disposal of hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used during construction and operation of various land uses. It is reasonable to anticipate that applicable State and federal regulations for the proper transport, use, storage, and disposal of hazardous materials and hazardous would be followed by the owners, tenants, occupants, and/or employees at the cumulative projects' sites; therefore, the potential to generate, release, or increase the risk of impacts related to hazardous materials, either through accidents or due to routine transport, use, or disposal during construction would be similarly addressed and mitigated and would not result in a cumulatively considerable impact. RCMs WQ-1, WQ-2, and WQ-3 require compliance with waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction. While the cumulative projects listed in Table 6.B also have the potential to generate or increase the risk of impacts related to hazardous materials, these uses include residential, industrial, and

commercial development, and like the Development Project, would be required to comply with these or similar regulatory requirements which would avoid potential impacts to water quality, and any such impacts likely would be confined to the limits of their respective sites.

Because the MSJC Site is proposed to be developed with residential uses, the limited use of household hazardous materials would occur subsequent to any subsequent development of the site. Similar to the Development Project, cumulative projects, including the RSG, Sun Lakes Village North (SLVN), and Butterfield Specific Plan (BSP) projects either identified impacts related to hazardous materials as less than significant through implementation of standard hazardous materials transport, use, storage, and disposal regulations and/or the incorporation of project-specific mitigation. The applicants of future cumulative projects would be required to comply with regulating agencies as well as the County to implement the applicable and appropriate measures to reduce the risk associated with the use and transport, storage, and disposal of hazardous materials. Therefore, no cumulatively significant hazardous materials impacts would occur.

While the Project Sites are located adjacent to the MSJC campus, as stated in Section 4.9, compliance with RCM HAZ-1 and adherence to applicable regulations related to the transport, storage, use, and/or disposal of hazardous substances would ensure Project impacts remain less than significant. Schools within 0.25 mile of cumulative projects also include Banning High School, Hoeffner Elementary School, and Hemmering Elementary School. It should be noted that the RSG and BSP projects themselves include the construction of schools within their respective Specific Plans. As with the Project, it is reasonable that adherence to these applicable regulations mitigate hazardous material impacts associated with other cumulative projects. Therefore, cumulative impacts related to the release of hazardous materials within 0.25 mile of a school would not be cumulatively considerable.

The Project Sites are located outside the influence area of Banning Municipal Airport and as a result would not have a cumulatively considerable impact on development within the Airport Influence Area established for this facility; therefore, the Project would not result a safety hazard or air excessive airport noise for people residing or working on the Project Sites and would not contribute to a cumulatively considerable airport hazard impact.

The Development Site is located in a WUI setting, but it is not located in an area statutorily designated as a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) or Riverside County. The MSJC Site is located within a Local Responsibility Area (LRA) non-VHFHSZ. Both the Development and MSJC Sites are located within the Wildland Urban Interface influence zone. The occupation of the proposed commercial, industrial (and in the case of the MSJC Site, residential) uses would increase the number and concentration of persons within a Wildland Urban Interface zone. A number of cumulative projects in the cities of Beaumont (e.g., Fairway Canyon, Beaumont Pointe, Heartland) and Banning (e.g., RSG) are located within or adjacent to fire hazard severity zones (very high, high, and moderate) designated by the California Department of Forestry and Fire Protection (CAL FIRE).[34] Development in these areas could increase

[34] California Department of Forestry and Fire Protection (CAL FIRE). 2022. Fire Hazard Severity Zones in State Responsibility Area. November 21. Website https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553 (accessed March 8, 2023).

the risk of property loss or injury from wildfire hazards. All projects approved and developed within fire hazard severity zones would be required to comply with applicable provisions of the California Fire Code, including provisions related to development within zones and the wildland-urban interfaces. Additionally, adherence to appropriate provisions of the CBC and City requirements related to the type, method, and manner of construction and the establishment and maintenance of fuel management zones would reduce the site-specific wildfire impacts of each cumulative project. As noted in Sections 4.9, 4.20, and 5.4.20.2 of the Draft EIR, the Project would provide a fire protection plan (and per MSJC Site Mitigation Measure HAZ-3, the MSJC Site would be required to develop a fire protection plan when development is proposed) that identifies the features/procedures to further offset potential wildland fire impacts. The related SLB Extension would improve circulation within and around the Development Site by improving the road surface and providing additional lanes of traffic that could be used to evacuate in an emergency and allow emergency personnel additional access to the Development Site and adjacent residential communities faster than using the roadways currently available. Upon compliance with existing regulations, including the applicable provisions of any project-specific fire protection plan, the cumulative impacts with respect to hazards would be less than significant.

9.10 HYDROLOGY AND WATER QUALITY

Impact Statement: The Project would not result in cumulatively considerable impacts related to hydrology and water quality.

Finding

Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 6.5.10 of the Draft EIR. The City finds that with the application of RCMs, the Project would not result in significant cumulative impacts related to hydrology and water quality; therefore, no mitigation for cumulative effects is required.

Substantial Evidence

The Project is located within the Coachella Valley Groundwater, San Gorgonio Pass Subbasin and within the Whitewater River Watershed (which is within the jurisdiction of the Colorado River Basin Regional Water Quality Control Board). The Development Site is located within an undeveloped open grassland valley where two main creeks flow: Smith Creek and Pershing Creek, both of which flow in a southeasterly manner across the Development Site. Storm water on the Development Site, under existing conditions, either flows into Smith or Pershing Creek or infiltrates into the ground. Highland Wash, a tributary to Smith Creek, also crosses the Development Site until it meets with Smith Creek. One such drainage transects the MSJC Site in a northwest to southeast direction joining Pershing Creek on the RSG site. The City of Banning and the Project Sites are located within the boundary of the Coachella Valley Groundwater Basin, San Gorgonio Pass Subbasin.

Cumulative development in the Whitewater River Watershed is a continuation of the existing urban pattern of development that has already resulted in extensive modifications to watercourses in the area -- Smith Creek and Pershing Creek, both of which flow in a southeasterly manner across the Development Site, and the Highland Wash is a tributary to Smith Creek. Cumulative development in the Whitewater River Watershed is a continuation of the existing urban pattern of development that

has already resulted in extensive modifications to watercourses in the area. The area's watercourses have been either channelized or left in natural conditions, and drainage systems have been put into place to respond to the past urbanization that has occurred in this area. Without mitigation or implementation of applicable RCMs, the Project and related public facilities projects would increase impermeable surfaces and increase the volume of storm water runoff and contribute to pollutant loading in storm water runoff reaching the City's storm drain system, the Coachella Valley Storm Channel, and Whitewater River Watershed, thereby resulting in cumulative impacts to hydrology and surface water quality. A similar result could occur with the cumulative projects without comparable RCMs or mitigation. Section 4.10 of this EIR identifies RCMs WQ-1 through WQ-3, construction general permit (CGP) requirements, City erosion control requirements (per Ordinance No. 1388), and water quality management plan(s) satisfying Whitewater River Watershed MS4 Permit requirements which were imposed to achieve a less than significant impact for the Development Project. The proposed public facilities are located within the area studied in the Development Project-specific hydrologic report and water quality management plan, and it is anticipated that no appreciable decrease in impermeable surface area would or change of drainage pattern would occur. Therefore, the cumulative effect of the public facilities is accounted for in the impacts identified for the Development Site, which will be confirmed by City review of their facility design to ensure the appropriate management of storm runoff that may occur during the construction and operation of the facilities. Detailed hydrologic analysis of the MSJC Site has not been completed; however MSJC Site RCMs WQ-1 through WQ-3 identified in Section 5.4.10.2 of the Draft EIR mirror those required for the Development Site which would likewise result is no significant impacts.

The Project would increase impermeable surfaces and increase the volume of storm water runoff and could contribute to pollutant loading in storm water runoff reaching the City's storm drain system, the Coachella Valley Storm Channel, and Whitewater River Watershed, thereby resulting in cumulative impacts to hydrology and surface water quality. RCMs WQ-1 through WQ-3 and MSJC Site RCMs WQ-1 through WQ-3 identify construction general permit (CGP) requirements, City erosion control requirements (per Ordinance No. 1388), and water quality management plan(s) satisfying Whitewater River Watershed MS4 Permit requirements. Compliance with these requirements would result in a less than significant Project impact. As with the Project, each cumulative project could also result in increased urban pollutants in storm water runoff from development sites that would degrade surface or ground water quality, and also must comply with existing water quality standards and waste discharge requirements, including Whitewater River Watershed MS4 permit requirements. These requirements include preparation of a Final WQMP for all new development that specify the Site Design, Source Control, Low-Impact Development (LID), and Treatment Control BMPs that would be implemented to capture, treat, and reduce pollutants of concern in storm water runoff. and would implement construction and operational BMPs to reduce pollutants of concern in storm water runoff. These would include preparation and approval of a SWPPP, erosion and sediment control plans (for construction), and a Water Quality Management Plan (WQMP) (for operation) for each project to minimize water quality impacts. Accordingly, there would not be a significant cumulative impact.

The City is located in the Whitewater River Watershed. The Whitewater River is the major stream in the watershed and extends 54 miles from the San Bernardino Mountains to the Salton Sea, and Smith Creek and Pershing Creek confluence with the San Gorgonio River which ultimately joins the Whitewater River. The SLB Extension crosses Highland Wash, Smith Creek, and Pershing Creek. These

crossings have been sized and will be ultimately designed to mimic downstream flow conditions and to not exacerbate the existing hydrologic and sediment transport condition similar to RCM WQ-4 which requires preparation of a hydrology and hydraulic analysis consistent with local and regional flood control and water quality requirements. As deemed appropriate by the City, similar studies would be required for cumulative projects. It is reasonable that cumulative development would occur pursuant to the siting, design, and maintenance measures detailed in these project-specific reports such that the drainage impacts from each site do not exceed existing conditions or result in hydromodification or soil sedimentation impacts. These studies would be reviewed by the City's Public Works Department (or as appropriate the Riverside County Public Works Department for projects within the County) on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available and that sediment transport conditions are not significantly impacted (Draft EIR, Section 6.5.10).

Each project must consider impacts to impaired receiving waters and Total Maximum Daily Loads (TMDLs) for receiving waters. The TMDL program is designed to identify all constituents that adversely affect the beneficial uses of water bodies and then identify appropriate reductions in pollutant loads or concentrations from all sources so that the receiving waters can maintain/attain the beneficial uses in the Basin Plan. Thus, by complying with TMDL requirements, a project's cumulative impacts to overall water quality in the Whitewater River Watershed are taken into account. Regional programs and BMPs, such as TMDL programs and the MS4 Permit Program, have been designed under an assumption that the Whitewater River Watershed would continue its pattern of urbanization. The regional control measures contemplate the cumulative effects of proposed development. Compliance with these regional programs and permits constitutes compliance with programs intended to address cumulative water quality impacts.

Portions of the Whitewater River watershed are located within 100-year flood zones. No development on the Development Sites would occur in identified 100-year flood zones. For the cumulative projects that include residential development, those projects will be required to provide evidence their residential improvements are maintained at least one foot above 100-year-flood elevations in accordance with National Flood Insurance Program requirements. City of Banning Ordinance No. 1415 Stormwater Code requires compliance with all applicable local, state, and federal regulations and BMPs related to stormwater runoff and catchment basins, and that projects be subject to regular inspection to ensure compliance. Section 13.24.110 of the City of Banning Municipal Code requires that any construction in the City comply with the Stormwater Management Provisions as codified in Chapter 13.24 and the Uniform Building Code, as well as the City of Banning Ordinance 1388.[35]

Concerning potential groundwater impacts, the City is located within San Gorgonio Pass Subbasin of the Coachella Valley Groundwater Basin, which the California Department of Water Resources designates as a medium priority basin. In 2022, the San Gorgonio Pass Subbasin adopted a Groundwater Sustainability Plan, which identifies projects and management actions to conserve

[35] The City is approximately 55 miles northeast of the Pacific Ocean, as such it is not located in a tsunami hazard zone. Seiches are waves that are created in an enclosed body of water such as a bay, lake, or harbor that are triggered by high winds, changes in atmospheric pressure, earthquakes, tsunamis, or tidal influence. The cumulative projects are not adjacent to or near any large, enclosed closed bodies of water. There would be no significantly cumulative tsunami or seiche hazard.

water, capture stormwater, and recharge imported water into the Subbasin. Project impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant, and no mitigation would be required. Similar to the Project, the cumulative projects would each be required to analyze potential impacts and impose mitigation necessary to ensure that the projects do not substantially interfere with groundwater management or recharge that may impede implementation of the Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin.

The cumulative projects would increase impervious surface area, which may alter the amount or duration of local or regional runoff. It is reasonable that as cumulative development occurs, site-specific design (through on-site retention and/or detention of stormwater runoff) and project mitigation will ensure post-development flows do not result in on-site or off-site substantial erosion or siltation, substantially increase surface runoff that would result in on-site or off-site flooding, contribute runoff which would exceed existing or planned capacity of stormwater drainage systems or substantially add to polluted runoff, or impede or redirect flood flows. Similar to the Project, the cumulative projects would each be required to control or otherwise limit runoff in accordance with the applicable City regulation and the Whitewater River Watershed MS4 Permit. The implementation of these requirements on a project-level would ensure no significant cumulative drainage or flooding impacts would occur.

Flows within alluvial channels typically carry sediment, with concentrations that tend to increase with flow rate. The ability of flow to move sediment as it passes downstream is termed its sediment transport capacity. Hydraulic properties, particularly flow velocity, and bed material properties, such as median grain size, determine the sediment transport capacity of a given river reach. The capacity of a flow to transport particles of a given diameter is exponentially related to the flow velocity (above a given incipient or threshold velocity). In channels with similar bed material composition, higher velocities result in increased sediment transport capability. The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area lies downstream of the Development Site. The CVMSHCP was designed, in part, to conserve species which depend specifically on the preservation of their respective sand dune or sand sheet habitats in CVMSHCP Conservation Area(s). As stated in Section 4.10 of this EIR, while the city is not located within the boundaries of the CVMSHCP or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the city and then onward to the San Gorgonio River. High winds in the San Gorgonio Pass pick up sand deposited along Smith Creek and the San Gorgonio River during the winter and transport it into the CVMSHCP Conservation Areas located downwind. Features within upstream drainage areas, such as detention basins, and changes in stream flow related to flood control features have the potential to diminish the amount of sediment transported downstream which is then available for aeolian transport. Cumulative development, such as the RSG, BSP, and SLB Extension projects, have or are currently addressing this issue in their respective environmental clearance and/or permitting actions. Project-level adherence to appropriate measures identified during these processes, similar to Mitigation Measures HYD-1 and HYD-2, will ensure the maintenance of appropriate sediment transport to support deposition in downstream/downwind conservation areas.

As development within the City must include project-level provisions related to the management of storm water, maintenance of surface or groundwater water quality, preservation of groundwater, drainage patterns, flood control, consistency with plans drafted for the management of water resources, and Agency requirements related to the appropriate maintenance of sediment transport, the impacts related to these issues would not be cumulatively significant.

9.11 LAND USE

Impact Statement: The Project would not result in a cumulatively considerable impact related to land use and planning.

Finding

Potential cumulative impacts of the Project related to land use and planning are discussed in detail in Section 6.5.11 of the Draft EIR. The City finds that the Project would not result in significant cumulative impacts related to land use and planning; therefore, no mitigation is required.

Substantial Evidence

A cumulatively considerable impact would occur if a project, when considered with other cumulative projects, would cause an environmental impact due to conflict with an established land use policy or program adopted to avoid or mitigate an environmental effect or results in a physical division of an established community. As detailed in Draft EIR Sections 4.11 and 5.4.11.2, the Development Project and MSJC Entitlements would have no impact or a less than significant land use/planning impact and no regulatory compliance measures or mitigation measures are required.

The construction and operation of the Project would increase the urban development footprint and improve roadway connections within the City and would not physically divide an established community and therefore would not contribute to cumulative land use impacts with respect to division of an existing community. In addition, the Project Sites are outside of and do not conflict with the Banning Airport Master Plan and therefore would not contribute to cumulative land use impacts with respect to airport uses.

The Sunset Crossroads Specific Plan has been prepared under the provisions of Government Code §65450 through §65454, which establish the authority to adopt a Specific Plan, identify the required content of a Specific Plan, and mandate consistency with city's General Plan. In addition to standard requirements established by statute, the City may require the inclusion of other material it deems deemed necessary or desirable to implement the General Plan, such as architectural or landscaped design guidelines. Chapter 17.96 (Specific Plans) of the Banning Code of Ordinances establishes uniform procedures for the adoption and implementation of Specific Plans. The Sunset Crossroads Specific Plan has been prepared to provide the essential link to the policies of the City of Banning General Plan. By functioning as a regulatory document, the Sunset Crossroads Specific Plan provides a means of implementing and detailing the City's General Plan and tailoring its policies to the Development Site. The Sunset Crossroads Specific Plan has been prepared to address site-specific issues such as building setbacks and visual appearance, as well as community-wide concerns such as vehicular and non-vehicular circulation, energy conservation, landscaping, and the provision for

infrastructure improvements, and ensures the Development Project meets or exceeds City land use standards for environmental protection, infrastructure, and aesthetic quality.[36]

Future development within the City could result in changes to the existing land use environment through the conversion of vacant land to developed uses, or through conversions of existing land uses (e.g., from residential to commercial). As Specific Plans are tailored to implement the General Plan and establish policies and guidelines to address site-specific issues and community-wide concerns, cumulative development would not conflict with the General Plan and Zoning Code, or with General Plan policies adopted to avoid or mitigate an environmental effect or result in a physical division of an established community. Other cumulative development would also be reviewed for consistency with adopted land use plans and policies by the City, in accordance with the requirements of CEQA and planning requirements. Development of future projects proposing changes in land use would require project-specific consistency analysis to ensure such a change would not conflict with the General Plan or City Code.

The City has initiated the General Plan Amendment (GPA) and Zoning Change (ZC) of the MSJC Site to avoid a net loss of residential capacity resulting from implementation of the Development Project. The proposed MSJC Entitlements will change the current general plan and zoning designation of the MSJC site from Public Facilities to Very High Density Residential, allowing a maximum capacity of not fewer than 1,146 residential units (and a maximum of 1,181 units). The MSJC Entitlements ensure no net loss of residential capacity in the City and provide alternative housing opportunities for a broader segment of the community. Future development of the MSJC Site with a specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape. Subsequent development on the MSJC Site would be pursuant to the required specific plan, and is required to be consistent with City guidelines and requirements; therefore, no significant inconsistency with this policy would result from implementation of the MSJC Entitlements or subsequent residential development on the MSJC Site.

Construction and operation of the Project (pursuant to its Specific Plan(s)), combined with cumulative development in accordance with the City of Banning's General Plan or the controlling Specific Plan, would not result in significant land use and planning impacts and would comply with State law requirements related to no net loss of residential units. The Project would be consistent with applicable plans, goals, policies, and regulations of the City of Banning's General Plan and zoning regulations, and the SCAG RTP/SCS, that have been adopted to avoid or mitigate an environmental effect or results in a physical division of an established community. Therefore, the cumulative impact of the proposed Project with respect to future development would not be cumulatively considerable and would not result in significant land use impact.

9.12 MINERAL RESOURCES

Impact Statement: The Project would not result in a cumulatively considerable impact related to mineral resources.

[36] T&B Planning, Inc. 2022. *Draft Sunset Crossroads Specific Plan No. 20-20000002*. August.

Finding

The potential cumulative impacts of the Project related to mineral resources are discussed in detail in Section 6.5.12 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to mineral resources; therefore, no mitigation is required.

Substantial Evidence

Mineral Resource Zone (MRZ)-3 is the predominant designation throughout most of the City and its Sphere of Influence (SOI). The only mineral extraction site in the City, the Banning Quarry, mines rock, sand, and base materials used for concrete and construction. The quarry is located in the MRZ-2 zone in the eastern portion of the City approximately 3.3 miles northeast of the Project Sites. The General Plans of the City and Riverside County have not designated the Sites with a land use designation that allows for mineral extraction nor are these areas held in reserve for future mining activity. The proposed sites for the public facilities projects, as well as the alignment of the SLB Extension, like the Project Sites, are located within Mineral Resource Zone 3; therefore, any development of the Project and these public facilities would be expected to have a less than significant mineral resource impact.

As stated in stated in Sections 4.13 and 5.4.13.2 of this EIR, the Development Site and the MSJC Site are designated as MRZ-3 (areas of known of inferred mineral occurrences of unknown significance. While the Projects Sites are mapped as such, over the past 120 years, there has been no evidence that significant mineral resources are located on the Sites, nor has the State, County, or City conducted mineral recovery at these locations.

Of the cumulative projects, only the Hathaway Industrial project (BA7) is located in an MRZ-2 zone (an area where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists). The State Mining and Geology Board maps the Hathaway Industrial project site as Sector G-1, which indicates that the site contains regionally significant Portland-cement concrete (PCC) grade aggregate resources. However, there are no records that indicate the project site was previously used as a mineral resource recovery site or as a site occupied by mines. Within Sector G-1, approximately 470.6 acres remain open for mineral extraction including the Banning Quarry. The Hathaway Industrial project site has previously been mass graded. While the Hathaway Project would preclude any future mineral extraction on the site, the loss of the site represents 0.43 percent of the total remaining areas designated for PCC grade aggregate in the Region. Development of the cumulative projects would not conflict with or interfere with extractive operations at the Banning Quarry. Implementation of the Project would not cumulatively contribute to a significant loss of known mineral resources or the development of a site that has been delineated as a locally important mineral resource recovery area by the City or Riverside County.

Therefore, the Project would not cumulatively contribute to a significant loss of known mineral resources or the development of a site that has been delineated as a locally important mineral resource recovery area or have a cumulatively considerable effect on mineral resources.

9.13 NOISE AND VIBRATION

Impact Statement: The Project would not generate a substantial permanent increase in ambient noise resulting from Project-related traffic or Project operations in excess of established standards under cumulative conditions.

Finding

The potential cumulative noise impacts of the Project are discussed in Section 6.5.13 of the Draft EIR. On-site construction-related noise impacts are reduced to a less than significant level through the implementation of Mitigation Measure NOI-1. For activities associated with construction of roadway or utility improvements, it may not be possible to construct the temporary noise attenuation walls required under Mitigation Measure NOI-1; therefore, the off-site construction noise resulting from roadway and utility improvement associated with the Development Project was determined to be significant. However, as the roadway work in this location would be completed by the Project applicant and not by cumulative projects, the significant Project impact is not a cumulative impact. Off-site traffic noise impacts and operational noise impacts are reduced to below a level of significance through the implementation of Mitigation Measure NOI-2. The City has determined that these measures, incorporated into the Project, are feasible and reduce the potential significant operations impact identified in the EIR to a less than significant level.

Substantial Evidence

Cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other. Due to the attenuating characteristics of noise, cumulative noise and vibration impacts are evaluated on the Project Sites and immediately adjacent areas. The only adjacent cumulative projects to the Development Site and MSJC Site are the RSG site, located immediately to the east of the Development Site and south of the MSJC Site, and the SLB Extension, potable water reservoir, reverse osmosis facility, and electrical substation proposed to be constructed and operated by the City within the boundaries of the Development Site. Other cumulative projects would generally not result in cumulative noise impacts on sensitive receptors near the Project Sites due to their scattered locations and distance from the Development Project. The primary noise sources in the Project area for Project operations are transportation facilities/traffic. In order for a cumulative impact to be considered significant, the Project traffic would need to create a noise level increase of 3 dB(A) or greater in the area adjacent to the roadway segments. In addition, the resulting noise level would need to exceed the City's 65 dB(A) CNEL exterior noise standard.

Construction. As stated in Draft EIR, Section 4.13, implementation of Mitigation Measure NOI-1 requiring a temporary construction noise barrier when project construction activities are within 100 feet from the nearest residential structure would reduce noise levels from on-site construction to below the City's interior construction noise standard of 55 A-weighted decibel (dBA) for more than 15 minutes per hour; therefore, a significant impact would not occur. For activities associated with construction of roadway or utility improvements, it may not be possible to construct the temporary noise attenuation walls required under Mitigation Measure NOI-1. While the *off-site* construction noise resulting from roadway and utility improvement associated with the Development Project were determined to be significant, cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other. As roadway and utility improvements are

typically linear projects that do not overlap (either in location or schedule) it is not likely multiple projects would be on-going at the same time; therefore, construction noise resulting from roadway and utility improvements would not be cumulatively considerable and impacts would be less than significant. In addition, Banning Municipal Code Chapter 8.44.085 states that sound emanating from capital improvement projects of a governmental agency, or the maintenance and repair of public properties by a governmental agency are exempt from City noise standards; therefore, construction of the related public facilities would not contribute to a cumulative considerably noise impact.

The timing of any future development of the MSJC Site is not known at this time, but development may occur in the future concurrently with development of portions of the RSG site. Construction crew commutes and the transport of construction equipment and materials would incrementally increase noise levels on adjoining roadways. Noise generated during site preparation, grading, building construction, paving, and architectural coating phases of construction could, if carried out at the same time, have cumulatively considerable impacts on sensitive receptors in the community. The net increase in noise levels generated by these activities and other sources has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance. If the Development Project and RSG project are developed at the same time, adherence to the City's Municipal Code (Section 8.44.090[E]) would limit the construction activities to daytime between 7:00 a.m. and 6:00 p.m. As stated in Section 4.13, implementation of Mitigation Measure NOI-1 requiring a temporary construction noise barrier when project construction activities are within 100 feet from the nearest residential structure would reduce construction noise levels below the City's interior construction noise standard of 55 A-weighted decibel (dBA) for more than 15 minutes per hour. Like the Development Project, the RSG project identified a significant construction-related noise impact at nearby receptors, recommending mitigation to reduce noise levels at nearby receptors. Section 5.4.13.2 of this EIR indicates that a site-specific noise assessment identifying noise reduction requirements is required prior to any construction on the MSJC Site. As the City's Municipal Code limits hours of construction, because of the temporary nature of construction noise, and as both the Project and the RSG project will implement necessary mitigation to reduce construction noise levels at nearby receptors, construction noise in the project area would not be cumulatively considerable.

Operation. Noise from Development Project operations has two sources: traffic and onsite operations. With respect to long-term operational noise primarily caused by traffic, this EIR analyzed the cumulative impacts of the Project Sites, and cumulative projects (see Draft EIR, Table 6.B) as described in Section 4.13 of this EIR (as revised). Specifically, future (2045) cumulative traffic calculations were used to determine the noise levels of all cumulative projects and reflect the cumulative conditions at new and existing land uses in the vicinity of the Project. The Horizon Year (2045) average daily traffic trips were obtained from the Project specific traffic analysis (which estimated traffic volumes and distributions for the cumulative projects added to the projected ambient growth detailed in Section 4.5 of the *Traffic Assessment* and *Supplemental Traffic Assessment* (see Appendices J-2 and J-3 of the Draft EIR) prepared for the Project.

The Draft EIR identified two significant unavoidable noise impacts from operation of the proposed Development Project at nearby sensitive receptors from: (1) Project traffic at the residences located east of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard/Westward Avenue and at the MSJC school on the east side of Sunset Avenue south of Sun Lakes Boulevard/Westward Avenue, and

(2) noise generated on-site from Development Project operations at certain residences located immediately south of Bobcat Road. Although these impacts were identified in the Draft EIR as significant and unavoidable (based on the original parameters of the Development Project), in response to public comments, the Development Project is modified by the inclusion of the Project Design Features N-1 and N-2, which are detailed in the revised Specific Plan (page 2-1 and 2-10, respectively) and Final EIR (Section 4.0 and Appendix I-2). See also see Final EIR, Section 3.0, response to Comment D-6-29.

These PDFs include:

- **PDF N-1:** To address traffic noise impacts along Sunset Avenue, the alignment of Sunset Avenue is shifted to the west from its previously proposed location to provide additional distance from sensitive receptors east of Sunset Avenue. More specifically, the centerline of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard/Westward Avenue would be adjusted 42 ft to the west from the existing centerline with implementation of the Development Project, which results in the new centerline being 72 ft from the nearest residential property line and 115 feet from the school at the MSJC Site.

- **PDF N-2:** To address the potential for impacts to residences from on-site Development Project operations, on-site project operations are revised to require:

    - Cold storage equipment previously allowed on industrial building rooftops will be shielded or relocated to the ground floor; and

    - Construction of 10 ft high “wing walls” on the south end of warehouse buildings 1 and 2, and 6 ft high walls that surround the automobile parking lots south of warehouse buildings 1 and 2 as depicted in the SoundPLAN printouts in Attachment A to the Supplemental Noise Analysis (Final EIR, Appendix I-2, Attachment A).

These project design features are included in Mitigation Measure NOI-2 as follows:

NOI-2 Prior to approval of roadway plans for Sunset Avenue, the City will confirm that the Development Project design plans for Sunset Avenue incorporate project design feature N-1 (PDF N-1) and shift the alignment of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard Extension/Westward Avenue to the west from the existing centerline as required by PDF N-1 to reduce traffic noise at neighboring sensitive uses to a less than significant level. To reduce operational noise impacts to a less than significant level, prior to issuance of building permits, the City will confirm that the following building design plans are consistent with PDF N-2: (1) design plans for each building proposed to contain cold storage facilities shall either shield rooftop cold storage equipment or locate such equipment on the ground level and (2) design plans for buildings adjacent to Bobcat Road (in the location depicted for Buildings 1 and 2 in the Specific Plan), shall include wing walls and parking lot walls meeting the requirements of PDF N-2.

As the Final EIR has been revised to include Mitigation Measure NOI-2[37] into any future plans for Sunset Avenue and Buildings 1 and 2, these PDFs become fully enforceable through the implementation of the Mitigation Monitoring and Report Program developed for the Project. As described below and in the *Supplemental Noise Analysis for the Sunset Crossroads Project, Banning, California* (see Final EIR, Appendix I-2 and revised Section 4.13 Noise), all operational noise impacts from the Development Project are reduced to less than significant levels with implementation of these PDFs and revised MM NOI-2. Cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other, within the same time period; therefore, in the absence of a Project-related impact, the Project would not contribute to a cumulatively significant traffic noise; therefore, the effect of traffic noise resulting from the Project would not be cumulatively considerable.

Operational noise resulting from occupation of the Development Site would be typical of that experienced in similar industrial and commercial development and will include noise generated from truck delivery and truck unloading activities, heating, ventilation, and air conditioning (HVAC) equipment, speakerphones, parking activities, fueling activities, and outdoor eating activities. While on-site operational noises are individual noise occurrences and are not typically additive in nature, with implementation of Mitigation Measure NOI-2, the significant nighttime operational noise impact previously identified in the Draft EIR at residential uses south of Bobcat Road has been eliminated.

MSJC Site VHDR operational noise would be typical of residential developments. On-site noise from both the MSJC Site and the RSG site would be limited that that typical of residential and educational uses (e.g., parking area noise, HVAC, recreational activity). Therefore, although the RSG site and MSJC Site are in proximity to the Development Site, it is extremely unlikely that these adjacent properties will generate noises that would be additive in nature for two reasons. First, the noise sources would have to be adjacent or in close proximity to one another in order for the noises to intermingle. Second, the sensitive receptor or receptors would also have to be adjacent to or in close proximity to the noise generators; therefore, cumulative operational noise is not expected to create significant noise impacts at sensitive receptors. It is reasonable to conclude that each project will be required to identify and mitigate operational noise such that exterior and interior noise levels do not exceed established City standards at any noise-sensitive use.

Noise-producing components at the electrical substation would be limited to the transformers. The electrical substation site is located approximately 700 feet northwest of the nearest residential use. Transformers at the electrical substation would produce a combined maximum noise level of approximately 37 dBA L_{eq} at 45 feet. Assuming standard distance attenuation, noise from the substation would be approximately 19 dBA L_{eq} at the nearest residential uses, which is below the nighttime (most restrictive) allowable level of 45 dBA L_{eq} at residential property lines. Other operational noise related to the electrical substation and potable water reservoir would likely result only from periodic inspection/maintenance activities. Noise from these activities at public facilities are not anticipated to exceed established thresholds and would, additionally, be exempt from City noise control requirements and therefore would not be significant.

[37] Note: Mitigation Measure NOI-2 referenced in the Final EIR and these findings replace Mitigation Measure NOI-2 included in the Draft EIR. Based on public comment received during public review of the Draft EIR

Special roadway paving and sound walls were considered to mitigate traffic noise associated with the RSG project. These measures were deemed infeasible due to the limited noise reduction achievable (paving) and inability to provide a sound barrier that retained necessary access to affected residences. Despite the infeasibility of this measure for the RSG project, cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other, within the same time period; therefore, in the absence of a Project-related impact, the Project would not contribute to a cumulatively significant traffic noise; therefore, the effect of traffic noise resulting from the Project would not be cumulatively considerable.

9.14 POPULATION AND HOUSING

Impact Statement: The Project would not result in a cumulatively considerable impact related to population and housing.

Finding

The potential cumulative impacts of the Project related to population and housing are discussed in detail in Section 6.5.14 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to population and housing; therefore, no mitigation is required.

Substantial Evidence

A cumulatively considerable effect on population would occur if the Project, combined with cumulative development, would directly or indirectly induce substantial unplanned growth or displace substantial numbers of persons or housing necessitating the construction of replacement housing elsewhere. Under existing conditions, no residential structures are located on Development Sites; therefore, there the Project no potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units. The MSJC Entitlements could result in development of up to 1,181 units of housing on the MSJC Site, but that is transferring residential capacity from the Development Site resulting in no net change in housing capacity in the City. Other cumulative projects, including the RSG SP and Butterfield Specific Plan, propose a variety of planned residential uses that have or will contribute to population increases in the City but accommodate planned growth. In July 2022, the City of Banning had an estimated population of 30,683. By 2045, the City's population is expected to increase to 41,500 residents. Within the City, the cumulative projects anticipate development of up to 8,596 residential dwellings. Whether all of these units are ultimately constructed and/or occupied is dependent on future economic conditions and market demand. The cumulative projects represent 165 percent of the number of households forecast in the SCAG RTP/SCS Connect SoCal for 2045; though It should be noted the buildout plans for the BSP and RSG projects envision a 30- and 20-year buildout, respectively; which extend beyond the SCAG forecast period.

The sites for the proposed electrical substation, reverse osmosis facility, potable water reservoir, and Sunset Avenue Bridge are previously planned projects to support the utility service and transportation needs of the City. The infrastructure that would be constructed in connection with the Development Project and is either already planned for by the City or needed for planned growth as described in the City's General Plan, IMP, CIP, and/or other City plans. The eventual development of these public

facilities at some future point in time would not result in an unplanned indirect increase in population in the City. The SLB Extension entails the construction of this roadway as an Arterial Highway between Highland Home Road and Sunset Avenue, in conformance with the City's Circulation Element, and constitutes a planned infrastructure improvement. As the SLB Extension is implementing a portion of the City's Circulation Element, it also would not indirectly induce population growth not previously considered by the City.

The Regional Housing Needs Allocation (RHNA) reflects the California Department of Housing and Community Development's (HCD) determination of the projected housing needs in a region by household income level as a percent of the Area Median Income (AMI). The SCAG was tasked with allocating the RHNA among the jurisdictions in the SCAG region, which includes the City of Banning.

Banning's RHNA for the current planning period which runs until 2029 is 1,673 units, which includes:

- 510 very low- and low-income housing units
- 280 moderate-income housing units
- 883 above moderate-income housing units

The City is able to meet the majority (1,316 units) of its current cycle RHNA with existing Land Use/Zoning classifications and projects that were either pending or approved (pipeline) projects at the time the Housing Element was updated, and on vacant or nonvacant (underutilized) sites. The remaining 357 units have been accommodated by the City's rezoning of nonvacant or vacant sites. These actions accommodate a total of 2,691 units, which provides sufficient capacity to meet the City's 2021–2029 RHNA allocation.

Pursuant to Government Code Section 65890.1, land use patterns should be encouraged that balance the location of employment-generating uses with residential uses, so that employment-related commuting is minimized. As stated in Section 4.14.3.3 (page 4.14-4) of the Draft EIR, the SCAG Connect SoCal Environmental Justice technical report indicates that Riverside County has a jobs-to-housing ratio of 0.88, indicating that the region is "housing rich, but jobs poor." While neither the City nor SCAG maintain formal statistics regarding Banning's jobs-housing ratio, previous evaluations indicated that the City of Banning followed similar trends as the County as a whole, with more housing available than employment opportunities within the City. Based on the number of jobs (10,500) and housing stock (12,156 units), the City's jobs/housing ratio would be calculated at approximately 0.86, slightly lower than Riverside County as a whole. Therefore, the jobs added by the Development Project and cumulative projects would serve to improve the jobs-housing ratio, and would not result in substantial unplanned growth.

According to the Bureau of Labor Statistics (BLS), in February 2024, the Riverside-San Bernardino-Ontario region's civilian labor force exceeded 2,184,128 persons with more than 2,063,5980 people employed and an unemployment rate of 5.56 percent (or 120,530 persons)[38]. Within the City and the

[38] Bureau of Labor Statistics, Civilian labor force and unemployment by state and metropolitan area, https://www.bls.gov/news.release/metro.t01.htm, Site accessed April 19, 2024.

County of Riverside, the unemployment rate is 6.6 and 4.6 percent, respectively.[39] Approximately 86.1 percent of Banning residents commute outside of the city for work.[40] The Development Project is anticipated to provide up to 5,993 jobs at full buildout. Following current trends of the City having more housing available than employment opportunities; it is anticipated that local employees will seek jobs at the Development Site and that the Development Project would provide additional employment opportunities, while not displacing or reducing housing opportunities. The Project would provide job opportunities close to home for existing and future Banning residents, which would subsequently help achieve a better job-to-housing balance within the city. The employment generated from the Development Project would not induce substantial growth in the area because the Project would result in service-oriented and industrial-oriented jobs, which are jobs that are anticipated to be filled by residents of the city and surrounding area (see Final EIR, response to Comment D-3-18).

As the City has sufficient existing and planned housing for the anticipated employment growth, and because a sufficient pool of potential employees is available in the City and region, the Project would not cause substantial unplanned population growth or displace existing housing or people; therefore, population and housing impacts of the Project are not cumulatively considerable.

9.15 PUBLIC SERVICES

Impact Statement: The Project would not result in a cumulatively considerable impact related to public services.

Finding

The potential cumulative impacts of the Project related to public services are discussed in detail in Section 6.5.15 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to public services; therefore, no mitigation is required.

Substantial Evidence

The cumulative impact area is the service area of the respective public service providers. The City maintains a schedule of development impact fees (DIF) imposed on development to fund public services and to offset future developments' share of public facilities and capital improvements for Police Facilities, Fire Facilities, Parks and Recreation Facilities, General City Facilities, Wastewater Facilities, and Water Facilities.[41] The fees collected are dependent on the type and size of development and fund the share of public facilities related to new development in the City. Public services to Project would be provided by the City (police), Riverside County (fire), the Banning Unified School District, and the Banning Library District, which maintain sufficient capacity to provide service

[39] Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2024 - Preliminary, California Economic Development Department.

[40] Page 21, *Pre-certified Local Housing Data for the City of Banning*, Southern California Association of Governments, updated April 2021.

[41] Title 3 (Revenue and Finance) of the City of Beaumont's Municipal Code also establishes a procedure for the identification of fees, revenue, and assessments to construct and maintain necessary public services and facilities.

to the Project Sites (see Draft EIR Section 4.15). The Banning Library District (BLD), as it is a California Special District, is funded by property tax revenue. The annual estimate of costs of BLD operations is furnished to Riverside County and the tax required to fund library functions is computed, entered upon the tax rolls, and collected in the same manner as County taxes are computed and collected. Under the provisions of Senate Bill (SB) 50, BUSD is authorized to collect fees to offset the costs associated with increased demand on school facilities resulting from development. Under Assembly Bill (AB) 2926, this funding may go to acquiring school sites, constructing new school facilities, and modernizing existing school facilities. Pursuant to California Government Code Section 65995(h), the payment of these school fees (as established and ratified by the BUSD) by a developer would provide full mitigation of potential impacts on school facilities.

The City's DIF impact analysis identifies existing and future service population (residents plus workers) and existing and planned public facilities based on an estimated number of residents, dwelling units, employees, and building square feet in Banning, both in 2018 and in 2040. The base year estimates of residents and dwelling units comes from the California Department of Finance. Future resident and dwelling unit are based on draft Growth Figures from SCAG's Integrated Growth Forecast from the 2016-2040 Regional Transportation Plan (RTP). As the DIF program has already accounted for the 2040 forecasted population/dwellings in the City, it is reasonable to anticipate that the fees established in the current DIF program (or the DIF program is in effect at the time of proposed physical development of cumulative projects). The City may use these fees to pay for the debt service on the existing facilities or for the construction or purchase of buildings, equipment and land that are part of the system of public facilities to serve new development. As established in Sections 4.15 and 5.4.15.2 of the Draft EIR, the Project will be conditioned to pay applicable development impact fees and required school fees (as required by RCMs PS-1 through PS-3 and MSJC RCM PS-2). The payment of said fees is required under Banning Municipal Code Section 15.68 and the California Government Code. The payment of required fees would off-set and mitigate for any proportional Project-related or cumulative projects' increase in demand for public services.

The need for the proposed electrical substation has been identified to by the BEU to support the City's existing General Plan's long-term growth. The potable water reservoir is required to provide the long-term water storage requirements of the City and the approved RSG project. The need for additional water storage capacity was identified in the City's Integrated Master Plan (2018) and the RSG EIR, but the exact location was not identified at that time. The SLB Extension would implement the City's Circulation Element. As these facilities themselves are planned services to meet public demand, and because activity at these public facilities would be limited to periodic inspection and/or maintenance, no cumulative substantial adverse impacts are anticipated from construction of these facilities which accommodate planned for increases in demand for public services.

As noted in Section 6.3 of the Draft EIR, a number of cumulative projects are located within the City of Beaumont. Similar to the City of Banning, per Title 3 of its Municipal Code,[42] the City of Beaumont also maintains a development fee program "Development Related Fee Schedule" (July 1, 2023) that identifies the fees required to fund public services, including, but not limited to: Fire Protection Impact

[42] City of Banning. 2023. Municipal Code, Title 3 - Revenue and Finance. November 22. Website: https://library.municode.com/ca/beaumont/codes/code_of_ordinances?nodeId=TIT3REFI (accessed September 5, 2023).

Fee, Police Facilities Impact Fee, Recreation Facilities Impact Fee, Park(s) Impact Fee(s), and Public Facility Fees. The Beaumont Unified School District maintains Level 1 fees for residential uses, commercial, industrial, and self-storage uses.[43] It is reasonable to assume that applicable fees for cumulative development occurring within the City of Beaumont or within the Beaumont Unified School District would be collected by the City or Beaumont USD prior to the construction of those projects and that these fees would appropriately address the proportional cumulative demand for public services in the City of Beaumont.

Although public service impacts tend to be cumulative in nature, each cumulative project would be required to pay development impact fees, school fees, and/or property tax assessments to provide for its fair-share contribution to any increased demand for public services in the jurisdiction in which it is located. With payment of such fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, the Project's contribution to public services impacts is not cumulatively considerable. Further, as the payment of such fees is required for the cumulative development projects, in either the City of Banning or Beaumont, it is reasonable the cumulative impacts on public facilities would not be significant.

9.16 RECREATION

Impact Statement: The Project would not result in a cumulatively considerable impact related to recreation.

Finding

Potential cumulative impacts of the Project related to recreation are discussed in detail in Section 6.5.16 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to recreation; therefore, no mitigation is required.

Substantial Evidence

The cumulative area for the discussion of recreation facilities/services is the City of Banning. There are currently seven developed public parks within the City, which range in size from the approximately 0.33-acre Carpenter-Hamilton Park to the 20-acre Dysart Equestrian Park. The total parkland acreage in the City of Banning is 66.67 acres, including both active and passive recreational areas The City's Community Center/Municipal Pool complex occupies an additional 14 acres (see Draft EIR, Table 6.A).The Development Project does not propose any residential uses or other land use that may generate population that would directly increase the use of existing neighborhood and regional parks or other recreational facilities. The MSJC Entitlements do not propose any development at this time, would accommodate the transfer of residential capacity to the MSJC Site and do not cause an increase in residential units or population in the City that was not previously accounted for in planning or funding programs for park and/or recreation facilities. Any future development of the MSJC Site would comply with applicable requirements to either include recreational facilities or parks as part of the development or housing units, or would require dedication of and/or payment of required park fees likely resulting in no significant impact on City and regional recreational facilities. Approximately 210

[43] Beaumont Unified School District (USD). n.d. Developer Fees, Current Developer Fee Rates. Website: https://www.beaumontusd.us/apps/pages/Developer_Fees (accessed September 5, 2023).

acres of parks and open space areas are provided within the approved RSG project. Facilities within the RSG project include: an entry park (1.1 acres), neighborhood park (12.7 acres), confluence park (10.2 acres), and community park (26 acres); a linear park along Smith Creek and Pershing Creek (122 acres); village paseos (12.6 acres); and natural open space (25.7 acres), all of which would be in proximity to the Project Sites (Draft EIR, pg 6-52).

The City determines park demand on a per resident basis. Industrial and commercial uses are not considered by the City to generate park and recreation demand. As described in Section 6.1.14 of the Findings, the Project would not include the development of residential units and as a result buildout of the Development Project would not directly add to the existing population of the City and would not generate new residential park demand. Buildout of the Development Project is anticipated to increase employment in the City by approximately 5,993 jobs, the majority of which are anticipated to be filled by existing City residents or existing County residents as discussed in Section 4.14 of the Draft EIR and Section 6.1.14 of these Findings.

It can be assumed that existing City, City of Beaumont, and County residents already use park and recreation facilities within the respective jurisdictions. Buildout of the Development Project would not indirectly result in a population increase in the City that has not been accounted for. Therefore, the Development Project would not result in existing park and recreational facilities in the City being used by more residents. Nevertheless, the Development Project includes approximately 12.6 acres of Open Space – Parks (comprising a 5.0-acre passive park and 7.6 acres of passive open space. The passive park on the Development Site would be open to the public and would be accessible to City residents and employees (including Development Site employees) and would add to the existing City's existing park inventory.

While the City currently does not meet its per resident park requirements, because the Development Project is not expected to result in an unplanned increase in the number of residents and because the City does not consider industrial or commercial uses as generating park and recreation demand, the Development Project is not anticipated to generate an increased need for use of existing neighborhood or regional parks and other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated and no cumulatively considerable impact would occur. Chapter 15.68 (Development Impact Fees) of the Banning Municipal Code identifies requirements to fund required public facilities, including parkland and recreation facilities. Banning Municipal Code Chapter 15.68 imposes park fees on new residential, commercial, and industrial development to pay for recreational facilities to meet the increased needs, if any, from the effects of new, non-residential development. Each of the cumulative projects along with the Project would be subject to such payment requirements. With payment of such required fees, the Project's contribution to recreation impacts is not cumulatively considerable. Other cumulative projects in the City would be required to demonstrate their level of impact on recreational facilities, including payment of the appropriate development impact fees; therefore, the Project would result in a less than significant cumulative impact related to recreation.

9.17 TRANSPORTATION

Impact Statement: The Development Project's VMT non-retail VMT per employee (30.8) would exceed the City's significance threshold of (25.9) by 4.9, an increase in per employe e VMT of 18.9

percent. While the Transportation Demand Measures implemented pursuant to Mitigation Measure TRA-1 (which would incorporate Project Design Features T-1 through T-3) would realize a maximum 8.4 percent reduction in commute VMT, Project generated VMT per employee would still exceed the City's adopted VMT impact threshold. Therefore, even with the implementation of MM TRA-1, the Project's VMT impact would remain significant and unavoidable. The remaining cumulative transportation impacts are less than significant.

Finding

The potential cumulative impacts of the Project related to transportation are discussed in detail in Section 6.5.17 of the Draft EIR. The City finds that the Development Project would result in less than significant impacts relating to conflicts with the circulation system, roadway design hazards, and emergency access, and therefore, the Development Project would not result in a cumulatively considerable impact. Because the Development Project would result in a significant cumulative VMT impact, the City finds that implementation of Mitigation Measure TRA-1 would reduce impacts to the extent feasible; however, impacts would remain significant and unavoidable. The City finds that the stated mitigation is feasible, is adopted, and will reduce to some measure, the level of VMT generated through operation of the proposed uses. The implementation and effectiveness of TDM measures will vary according to the tenants which are unknown at this time; therefore, the extent and effectiveness of mitigation cannot be determined. The significance determination is based on a conservative worst-case scenario whereby it is assumed that effectiveness of VMT mitigation and project design features cannot be guaranteed based on research to date, and no additional mitigation is feasible, and therefore, the City finds that the impacts are significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives and mitigation measures identified in the EIR.

Substantial Evidence

A significant cumulative transportation impact would occur if cumulative development conflicts with transportation programs, plans, ordinances, or policies, results in inadequate emergency access, increases transportation hazards, or is inconsistent with VMT reduction policy established by the City. As discussed in Section 4.17 of the Draft EIR, the Development Project would result in less than significant impacts relating to conflicts with the circulation system, roadway design hazards, and emergency access. To comply with the City's General Plan and the Banning Municipal Code requirements, development of other past, present, and reasonably foreseeable projects in the City would be required to meet standard requirements to provide transportation facilities that accommodate both pedestrian, bicycle, and vehicle travel and to avoid roadway design hazards and emergency access. Therefore, the Development Project would not result in circulation system, roadway design hazards, and emergency access impacts that are cumulatively considerable.

The proposed electrical substation, reverse osmosis facility, and potable water reservoir would be public facilities. While these facilities would require period inspection/maintenance, per the City's guidelines, local-serving community projects and local-serving essential services are screened from VMT analysis and are assumed to have a less than significant impact. Based on the VMT screening analysis conducted for the SLB Extension, the With Project condition results in a substantial reduction of VMT within a 5-mile and 10-mile radius of the SLB Extension and would likely increase Countywide

VMT by approximately 0.0005 percent. This increase is well within the margin of error for transportation models, and as such may not be indicative of a significant impact. When compared with the base year (2012) condition, the SLB Extension results in a decrease under all analyzed geographic limits (5- and 10-mile radius and Countywide); therefore, the VMT impact of the SLB Extension was determined to be less than significant and not cumulatively considerable.

Interstate 10 (I-10) borders the Project site to the north; the Highland Springs Avenue/I-10 interchange is located approximately one mile west of the Development Site; and Sunset Avenue interchanges with I-10 immediately northeast of the Development Site. This Development Site's location provides direct access to the Project via the interstate freeway system, minimizing trip lengths and VMT for all patrons and employees and reducing travel distances for movement of goods. This is also consistent with the SB 743 legislative intent. Furthermore, the Project is located within an urbanized area, proximate to prospective employees and patrons. Uses proposed by the Project would increase and diversify the City's economy and would provide new and varied employment and commercial opportunities closer to the local workforce and customers (see Final EIR, Section 3.0, response to Comment D-3-24). The Development Site is located in an area considered to be generally housing rich and jobs poor; therefore, the Project uses at this location promote a balanced jobs/housing condition, reducing commuter trip lengths and VMT. Please refer Final EIR, Section 3.0, responses to Comments D-3-8 and D-3-18.

Regardless of the Development Project's location or contribution to remedying the City's current jobs/housing imbalance, the Development Project's VMT net change for retail uses and VMT per non-retail worker exceeds the City's respective thresholds of no net increase in regional VMT for retail and 25.9 VMT per non-retail worker. Even with implementation of the limited feasible mitigation measures, the Development Project's VMT cannot be reduced to levels that would be less than significant, and the Project was found to have a significant and unavoidable VMT impact at the project level. Implementation of Mitigation Measure TRA-1, including the project design features T-1 (Commute Trip Reduction Marketing), T-2 (Ridesharing Program), and T-3 (End-of-Trip Bicycle Facilities) would reduce VMT by 8.4 percent, less than 15.9 percent reduction necessary for a less than significant VMT impacts. While it is possible the reduction could be greater, because the tenants of the Development Site are currently unknown, this cannot be determined at this time. Therefore, conservatively, even with implementation of all feasible mitigation, Development Project VMT impacts would not be substantially lessened and would remain significant and unavoidable. Therefore, the Development Project's contribution to cumulative transportation impacts from increases in VMT would be considerable and significant.

As previously stated in Section 5.4.17.2, moving residential density from the Development Site to the MSJC Site itself would not result in a significant increase in residential units or population beyond that previously considered by the City in its development of its VMT Guidelines. As the MSJC Site is directly adjacent to the Development Site, the proposed MSJC Entitlements and the potential future development of the MSJC Site would not likely increase trip lengths (vehicle miles traveled). Nonetheless, future development on the MSJC Site will require a project-specific VMT assessment. Because the Development Project's VMT impacts are significant and unavoidable, as a whole, the Project's contribution to cumulative transportation impacts from increases in VMT would be considerable and significant.

Changes to the CEQA Guidelines were adopted in December 2018, which require all lead agencies to adopt VMT as a replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. This statewide mandate took effect July 1, 2020. Environmental documents for cumulative projects published subsequent to this date (e.g., SLVN and BPSP projects) identified significant VMT impacts. Despite the implementation of mitigation for these projects, the VMT impacts of these other cumulative projects remained significant and unavoidable.

9.18 TRIBAL CULTURAL RESOURCES

Impact Statement: The Project has the potential to result in cumulative impacts to tribal cultural resources without the implementation of mitigation measures.

Finding

The potential cumulative impacts of the Project to tribal cultural resources is addressed in in Section 6.5.18 of the Draft EIR. While no tribal cultural resources are known to occur within the limits of the Development or MSJC Site, through the removal of vegetation or ground disturbance, implementation of the Project has the potential to impact previously unknown or undetected tribal cultural material. The City finds that Mitigation Measures CUL-1 through CUL-6 are feasible, adopted, and would reduce these impacts to a less than significant level. The City has determined that these measures, incorporated into the Project, reduce the potential significant impact identified in the Draft EIR to a less than significant level.

Substantial Evidence

Potential cumulative impacts to known or unknown tribal cultural resources may result from cumulative development in the City and elsewhere and may contribute to cumulatively significant impacts to these resources. However, for each development proposal, the City must engage interested tribal governments pursuant to AB 52 and/or SB 18 and with appropriate project-specific mitigation, cumulative impacts would be less than significant. The cumulative area for tribal cultural resources is the area(s) of traditional tribal interest identified by respective tribes. Native American consultation was conducted by the City in compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 for both the Development project and the MSJC Entitlements. As part of the initial consultation process, a review of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC) yielded negative results. Subsequently, a total of 31 Native American representatives were contacted by the City to determine their desire to consult on the Development Project. The City received consultation requests from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians, the Agua Caliente Band of Cahuilla Indians, and the San Manuel Band of Mission Indians. Initial consultation meetings were held on April 7, 2022, with MBMI and on April 20, 2022, with the Soboba Band of Luiseño Indians. Because there was no further follow up from the Agua Caliente Band of Cahuilla Indians after the initial consultation request, and the San Manuel Band of Mission Indians did not respond to the initial request, tribal consultation efforts did not move forward beyond the initial tribal consultation request that was received (Draft EIR, Section 4.18.2).

The Development Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI. Because the Development Site is located in an area

considered to be sensitive for tribal cultural resources, ground disturbance associated with implementation of the Development Project has a potential to affect undiscovered tribal cultural material, which may inform or provide broader knowledge/context of tribal resources located elsewhere. As such, the Development Project has the potential to result in a substantial adverse change in the significance of a tribal cultural resource. The MBMI emphasized the importance of including archaeological and Native American monitoring in order to thoroughly assess if there are any tribal cultural resources are located at the Development Site.

As detailed in Section 4.18.6.1 of the Draft EIR, mitigation described under MM CUL-1 through MM CUL-6 would: (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these mitigation measures would reduce impacts to tribal cultural resources within the Development Site to a less than significant level and would not contribute to cumulatively significant impact relative to tribal cultural resources.

The City engaged in Native American consultation related to the SLB Extension, providing cultural resources assessment prepared for the project to the Morongo Band of Mission Indians. No tribal cultural resources were identified within the alignment, nor did the results of the Native American Heritage Commission Sacred Lands File Search indicate the presence of any sacred sites/or locations of religious/ceremonial importance in the SLB Extension study area. Mitigation was identified to reduce potential impacts related to the inadvertent discovery of Native American cultural materials to a less than significant impact. The cultural resources survey areas, survey reports, and tribal consultation for the Development Site encompass the area planned for the eventual development of the electrical substation, reverse osmosis facility, and water reservoir; therefore, it is reasonable the cumulative effect is accounted for in the impacts identified for the Development Site. As the Sunset Avenue Bridge was a component of the RSG project, the impacts of that facility have been considered in the EIR for the RSG project.

For other cumulative projects in the City, the City's General Plan EIR[44] states, "… All development or land use proposal which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approval." This requirement applies equally to City-sponsored public facility projects. The City maintains a standard practice of providing site-specific cultural assessments to interested Tribes for review and comment during the consultation process and prior to final City acceptance of said assessments. Furthermore, completion of the consultation processes required under AB 52 and SB 18 and the incorporation of measures recommended by interested tribal governments, is required prior to completion of the CEQA process on all projects. All cumulative projects would be required to conduct site specific assessments, consult

[44] City of Banning. 2005. *Environmental Impact Report for the* City of Banning Comprehensive General Plan *and Zoning Ordinance,* Section III(G)(3).

with the interested Tribes, and would be subject to appropriate mitigation measures. Projects located outside the City, within areas of tribal interest, will also be required to comply with applicable existing statutes, regulations, procedures, and policies that address tribal cultural resources, including consultation under SB 18 and/or AB 52. As tribal consultation is required under CEQA, it is reasonable to anticipate that cumulative projects located outside of the City would conduct appropriate assessment to assess potential impacts to tribal cultural resources and to identify and implement appropriate mitigation (similar to or equivalent to the City's standard measures) so that the cumulative projects would not constitute or contribute to a cumulative considerable or significant impact to tribal cultural resources.

9.19 UTILITIES

Impact Statement: The Project would not result in a cumulatively considerable impact related to utility and service systems.

Finding

The potential cumulative impacts of the Project relative to utility and service systems is provided in Section 6.5.19 of the Draft EIR. The City finds that the Project would not result in a significant cumulative impact related to utility and service systems; therefore, no mitigation is required.

Substantial Evidence

A significant cumulative impact would occur if demands of cumulative development exceed the supply or capacity of existing utility and service systems or result in the construction of new or expansion of existing public utility facilities. The cumulative area for the discussion of utility and service system impacts is the service area of the respective providers. The City manages its own water and wastewater through the City Water and Wastewater Utilities Department and electrical services through the BEU, a not-for-profit, publicly owned electrical energy distribution utility. Solid waste collection and transport services in the City, including the SOI, is provided by Waste Management of the Inland Empire. The City's 2018 Integrated Master Plan (IMP) evaluates the performance and condition of the City's potable water, wastewater, and recycled water systems through 2040. Since the adoption of the 2015 UWMP, the 2020 UWMP identified, among other proposed uses, eight new developments and included the Butterfield and RSG developments as well as water supply for the mixed use project located on the Development Site. The BSP and RSG project plans, which combined, envision the development of 7,996 residential units. Each project subject to CEQA is required to prepare its own water supply assessment (WSA) to show sufficient water supply to meet the project demand in normal, dry, and multiple dry years.

The Sites (including the area currently within the SOI which will be annexed) are within the service area of Banning Electric Utility (BEU), a not-for-profit publicly owned utility. The City manages a Water and Wastewater Utilities Department. The Development Site (including the SOI) and the MSJC Site are both within the City's service area for these services. The total annual electricity consumption in the BEU service area in 2022 was 151.5 gigawatt-hours (GWh). The BEU has included the energy usage by this Development Project as well as other large commercial and residential developments or industrial projects in its future planning, which has enabled it to enter into long-term contracts for the purchase

of renewable sources of electricity as required by State law.[45] The Project, in combination with cumulative projects, is well within BEU's system-wide net increase in electricity supplies annually over the 2018 to 2030 period (See Draft EIR, pg 6-33).

The City's 2020 Urban Water Management Plan conservatively anticipates a projected water demand of 9,507 afy in 2025. In 2045, with an anticipated population within its service area of 66,400, the UWMP projects a demand of 13,467 afy. Per the UWMP, sufficient water is available to the City to meet future water demand during normal, dry, and multiple dry year conditions through 2045. The project-specific Water Supply Assessment (WSA) provides a comparison of water demand versus water supply based on the General Plan land uses detailed in the 2020 Urban Water Management Plan, including the BSP and RSG projects and indicated sufficient water to supply the Development Project and MSJC Site would be available in normal, dry, and multiple-dry years through 2045. See Draft EIR, Section 4.19, pages 4.19-20 through -24, including Tables 4.19.I through 4.19.K, and Section 5.4.19.2, pg 5-75. Because the Project shows a sufficient water supply, the Project would not have a cumulatively considerable or significant impact on water supply.

For wastewater, the City's Average Dry Weather Flow (ADWF) is projected to increase from 2.80 mgd (2025) to 4.29 mgd by year 2040. As stated in Section 4.19 of this EIR, the City's current wastewater treatment capacity is 3.5 mgd, sufficient to accommodate the cumulative development (including the BSP and RSG projects). The IMP identified the share of improvements needed to serve existing development and the share needed to serve new development for water and wastewater demand requirements. The City has preexisting plans to upgrade the existing WWTP treatment to meet tertiary standards and facilitate infrastructure to supply recycled water. These upgrades are included in the City's current CIP. The design of the upgraded WWTP will allow for expansion of the treatment capacity when it becomes necessary. Further, both the BSP and RSG project include provisions for the installation of satellite or package treatment plants that would accept flows from those projects. The requirement for these facilities would be determined as necessary by the City, as development within those projects occur. As facilities are brought on-line, wastewater flows to the City's WWTP would be reduced. As detailed in the Draft EIR, Table 4.19.L, the Development Project would generate approximately 0.353 mgd. The increase in wastewater generated by the Development Project can be accommodated within the existing design capacity of the WWTP and no significant wastewater impacts was identified in the Draft EIR. The City's Development Impact Fee Update Study outlines and updates development impact fees that are imposed on new development in the City to fund public services and includes wastewater and water facilities and improvements allotted to new development. The City imposes development impact fees for Wastewater Facilities, and Water

[45] Long-term forecasts included in the City's 2015 Power Supply Integrated Resource Plan (IRP) recognize growth in electrical demand from the Rancho San Gorgonio project and the Butterfield – Pardee Home projects, which envision the development of 3,385 and 4,862 residential units, respectively. The anticipated growth in electrical demand in the IRP anticipated that up to 200 homes each year would be built from 2020 through the end of the project period (2034). It was also assumed there would be additional commercial development to support the increased population. The First Hathaway Industrial project (currently under environmental review) envisions development of 1.42 million square feet of industrial warehouse uses north of I-10. The development of this use is consistent with the existing land use designation ("Business Park") for that site established by the City; therefore, it is reasonably included in IRP forecasts of future demand.

Facilities for all development projects. See Banning Municipal Code Chapters 15.068.060 and 15.068.070. As with the Development Project and development on the MSJC Site, developments on all other projects in the City would be required to pay fees to support the water and wastewater system improvements necessary to serve their individual demands. With payment of such fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, the Project's and cumulative projects' contribution to public services impacts are not cumulatively considerable.

The development of the reverse osmosis facility is not needed or required to supply water for the Development Project. The City would develop, own, maintain, and operate the reverse osmosis facility in order to reduce salt and nitrogen in the water prior to recharge of the aquifer. The reverse osmosis facility that would be built in PA 12 of the Development Site would receive treated water from the existing Banning WRF via a 24-inch diameter pipeline that is currently located in the future SLB Extension. The treated water would flow into the reverse osmosis facility where TDS (specifically nitrates) would be separated from the treated water. Grey water with the TDS would be recirculated back to the Banning WRF for additional processing. The water separated from the TDS (nitrates) would exit the reverse osmosis facility through a 24-inch diameter pipe where it would be conveyed to the golf course at the neighboring Sun Lakes Community and used for irrigation of the golf course. The reverse osmosis facility would operate as a closed system. The electrical substation and water reservoir are planned public facilities.

The SCAG estimates the City's 2045 population and employment at 41,500 persons and 11,400 jobs, respectively. Based on current daily per capita disposal rates of 5.6 and 31.5 pounds for residents and employees, future project development in the City could generate up to 591,500 pounds (295.8 tons) of solid waste per day. The volume of solid waste represents approximately 2.9 percent of the current permitted daily throughput of receiving landfills (see Draft EIR, Table 4.19.G). Remaining permitted capacity at the receiving landfills totals approximately 171 million tons. Cumulative solid waste generated City-wide in 2045 represents approximately 1.4 percent of permitted capacity at receiving landfills.[46] As the receiving landfill capacity is permitted through 2059,[47] the cumulative contribution of solid waste from the City would not have a cumulatively significant effect on landfill capacity.

The City's 2018 Integrated Master Plan (IMP)[48] evaluates the performance and condition of the City's potable water, wastewater, and recycled water systems through 2040. The IMP identified six master planned communities,[49] other residential developments, and three commercial/industrial developments.[50] The six master planned communities include a mixture of residential, public facilities, commercial, and open space. These developments considered in the IMP include the BSP and RSG project plans, which combined, envision the development of 7,996 residential units. To address future

46 295.8 tons/day x 365 days = 107,967 tons/yr x 22 years = 2.375 million tons cumulative solid waste City wide through 2045. This calculation assumes existing generation rates. Future decreases in per capita waste generation would proportionally reduce 2045 solid waste totals.

47 Lamb Canyon Landfill through 2032; El Sobrante Landfill through 2051; Badlands Landfill through 2059.

48 Carollo Engineers, Inc. 2018. *2018 Integrated Master Plan*, *Final Report, Revision 1.2*. March.

49 Planned Communities: Black Bench, Five Bridges, Little Europe, Loma Linda, Pardee Butterfield, and Rancho San Gorgonio.

50 Carollo Engineers, Inc. 2018. *2018 Integrated Master Plan, Final Report, Revision 1.2*. March. Figure 2.4 Known Developments.

water and wastewater demand requirements, the IMP identified the share of improvements needed to serve existing development and the share needed to serve new development. The Capital Improvement Program (CIP) is the foundation of the City's long-range capital investment and financial planning. The CIP establishes a specific list of projects to be completed for capital replacements and improvements. The City's Development Impact Fee Update Study outlines and updates development impact fees that are imposed on new development in the City to fund public services. The Development Impact Fee Update Study identifies the wastewater and water facilities and improvements allotted to new development. The City imposes fees on future developments for capital facilities in the form of a development impact fee for Wastewater Facilities, and Water Facilities. Banning Municipal Code Chapters 15.068.060 and 15.068.070 identify the process for how the development impact fee is administered for required wastewater and water improvements in the City.

The Project and the cumulative projects would each be subject to connection and improvement requirements of the respective utility. Cumulative development would require the construction of necessary infrastructure (water and wastewater lines, storm drain facilities, dry utilities, and others) to serve each project. It is reasonable that as cumulative development is proposed, each such development project would undergo review by the City and appropriate service provider(s) to ensure adequate capacity, supplies, and/or facilities. Similar to Regulatory Compliance Measure (RCM) UT-1 (see Section 4.19), cumulative projects would be required to pay appropriate required wastewater and water facilities Development Impact Fees required under Section 15.68 of the Banning Municipal Code. As with the Project, adherence to applicable connection requirements, the design of improvements per the utilities' standards, and payment of required fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, would result in a cumulative effect to utility services is neither considerable nor significant, and no mitigation is required.

9.20 WILDFIRE

Impact Statement: The Project would not result in cumulatively considerable impact related to wildfire.

Finding

The potential cumulative impacts of the Project related to wildfire are discussed in detail in Section 6.5.20 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to wildfire; therefore, no mitigation is required.

Substantial Evidence

A significant impact would occur if cumulative development (including infrastructure) increases or exacerbates fire risk or impairs emergency response/evacuation plans. While the Development Site is located in a wildland-urban interface (WUI) setting, it is not located in an area statutorily designated as a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ) by the California Department of Forestry and Fire Protection or Riverside County. The Development Project has been designed to reduce wildfire conditions on the Development Site as compared with the natural state. As stated in the Fire Protection Plan (FPP) (see Draft EIR, Appendix G-2) once the Development Project is built, the

on-site fire potential will be lower[51] than its current condition due to conversion of fire facilitating wildland fuels to ignition resistant buildings, parking areas, managed landscapes, fuel modification areas, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes. The Development Project is also accessible to local fire department personnel within acceptable fire response travel times. In addition, the Development Project will adopt a "Ready, Set, Go!" plan for evacuation. When an evacuation is ordered, it will occur according to pre-established evacuation decision points or as soon as a notice to evacuate is received, which may vary depending on many environmental and other factors. Therefore, although the Development Project will increase occupancy of the Development Site, it is anticipated that with compliance with building code requirements and Condition of Approval (COA) FIRE-1, Project impacts would be less than significant.

The MSJC Site is located within a Local Responsibility Area and is designated as a non-VHFHSZ. Both the Development and MSJC Sites are located within the Wildland Urban Interface (WUI) influence zone. As discussed in Section 5.4.9.1 of the Draft EIR, MSJC Site Mitigation Measures HAZ-3 requires the preparation of a project-specific fire protection plan for development on the MSJC Site (at a time when such development occurs). To meet fire code requirements, MSJC Site development would incorporate the same or similar design features as required for the Development Site. The Project would be required to adhere to FPP and fuel management plans (FMP) approved by the City and the Riverside County Fire Department (RCFD). Compliance with these plans would reduce the likelihood of urban conflagration on the Project Sites in the unlikely event of a wildfire and reducing impacts to a less than significant level; therefore, the Project would not have a cumulatively considerable wildland fire impact.

The proposed electrical substation would be developed and operated by the City in compliance with regulations set forth by the California Occupational Safety and Health Administration (Cal/OSHA) and the National Electrical Safety Code (NESC). The reverse osmosis facility and potable water reservoir would be operated by the City in compliance with standards as set forth by the City of Banning Water and Wastewater Department. These facilities would be remotely operated and monitored and include fire suppression features (i.e., sprinklers, defensive space, and fire alarms) that would reduce the exacerbation for fire risk. Chapter 1206 was added to the California Fire Code (CFC) to address a wide range of systems to generate and store energy, including standby and emergency power, portable generation, photovoltaic systems, fuel cell energy systems, and energy storage systems. The provisions of Chapter 1206 apply to the installation, operation, maintenance, repair, retrofitting, testing, commissioning, and decommissioning of these energy systems. It is anticipated the installation and operation of a battery energy storage system as envisioned, as permitted under the Specific Plan, would be conditioned by the City to demonstrate compliance with California Fire Code Chapter 1206. As the City-sponsored infrastructure and facilities will be constructed, operated, and maintained pursuant to required fire protection requirements for utility facilities, the potential for increased fire risk from these facilities, and the cumulative impact, would be less than significant.

A number of cumulative projects in the cities of Beaumont (e.g., Fairway Canyon, Beaumont Pointe, Heartland) and Banning (e.g., RSG and Butterfield) are located within five miles of the Project Sites and are located within or adjacent to fire hazard severity zones (very high, high, and moderate)

[51] Dudek. 2023. *Fire Protection Plan Sunset Crossroads.* November.

designated by CAL FIRE. As with the Project, cumulative development proposed, approved, and developed within fire hazard severity zones would be required to prepare a project-specific fire protection plan complying with applicable provisions of the most current edition of the CFC as adopted and amended by Banning Municipal Code Chapter 8.16, City of Beaumont Chapter 15.20, and/or Chapter 8.32 of the Riverside County Code; including applicable portions of CFC Chapter 49 related to development within fire hazard severity zones and wildland-urban interfaces. It is reasonable the cumulative projects have or will be appropriately conditioned by the approving jurisdiction (City/County) to fully incorporate and implement the features, facilities, and practices established in site- and project-specific FPPs. As with the Project, adherence to these provisions of these FPPs will ensure wildland fire hazards associated with individual projects are reduced to a less than significant level; therefore, with the collective establishment and implementation of the cumulative FPPs, wildfire hazard impacts will not be cumulatively significant.

No emergency facilities are located on the Project Sites nor do the Project Sites currently serve as emergency evacuation routes. During construction and operation of the Development Project and MSJC Site, adequate access for emergency vehicles would be maintained. Cumulative development in the City would increase the number of persons (residents, employees, and patrons) susceptible to wildfire hazards. While the location, intensity, direction, frequency, and/or nature of future wildfire events cannot be precisely predicted, it is reasonable that fire authorities would exercise appropriate judgement as to when, where, and how evacuations are executed. It is further reasonable that during the processing of cumulative development, necessary roadway improvements will be appropriately located and sized to accommodate efficient and safe evacuation as necessary. Implementation of the project specific FPPs through the establishment of fuel management zones, and the installation of water delivery features (e.g., water mains, hydrants, storage capacity) necessary for cumulative development will facilitate firefighting operations should a wildfire event occur. The cumulative development sites would be required to accommodate emergency access and facilities. As such, the Development Project's contribution to cumulatively considerable impacts would be less than significant. The related SLB Extension would improve circulation within and around the Development Site by improving the road surface and providing additional lanes of traffic that could be used to evacuate in an emergency and allow emergency personnel to access the Development Site and adjacent residential communities faster than using the roadways currently available.

In the unlikely event that a wildfire should spread to the Project Sites, it is not expected that the Development Project would contribute any additional runoff or sedimentation to the on-site natural drainages or other downstream drainages. The drainage improvements installed on the Project Sites would remain intact after a major wildfire, allowing them to continue to reduce the potential for flooding conditions. Downslope fire-related flooding hazards are generally site specific and would not extend beyond the immediate area of the Project Sites; therefore, there would be no cumulative effect related to post-fire down-stream flooding resulting from other cumulative projects. As such, the Project would not result in a cumulatively significant impact related to this issue.

10.0 FINDINGS REGARDING ALTERNATIVES

10.1 ALTERNATIVES CONSIDERED AND REJECTED

In accordance with the California Environmental Quality Act (CEQA) and the *CEQA Guidelines* (Section 15126.6), an EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the project's basic objectives (see Draft EIR, Sections 3.7 and 8.1.2), while avoiding or substantially lessening any of the significantly adverse environmental effects of the project (see Final EIR, Table 8.A), and evaluate the comparable merits of the alternatives. The Project's significant impacts that cannot be mitigated to less than significant are air quality, greenhouse gas emissions, construction noise (off-site roadway/utility improvements only), and VMT.

In accordance with Section 15126.6(c) of the *CEQA Guidelines*, an EIR should identify alternatives considered for analysis but rejected as infeasible, and briefly explain the reasons for their elimination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is a failure to meet most of the basic project objectives, infeasibility, or inability to avoid any of the project's significant environmental impacts. Additionally, regarding the feasibility of potential alternatives, CEQA Guidelines Section 15126.6(f)(1) provides:

> (f) Rule of Reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.
>
> (1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries… and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site…

In determining an appropriate range of project alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and then rejected. The following alternatives have been considered and rejected as infeasible, either because they would exceed or not substantially lessen the impacts of the Project being analyzed, are repetitive of other alternatives, or, based on City input, would not meet most of the City's basic objectives and requirements, or are otherwise considered infeasible.

The City has independently reviewed and considered the information on alternatives provided in the EIR, and the EIR reflects the City's independent judgment as to the alternatives. Six alternatives considered and rejected are described below, and reasons for infeasibility are provided in the discussion. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

10.1.1 Off-Site Alternative

Regarding alternative locations, per CEQA, the first step is to determine whether any of the significant effects) would be avoided or substantially lessened by putting the project in a different location. Only locations that would avoid or substantially lessen any of the significant effects need be considered. Any development of the size and type proposed by the Project would have substantially the same environmental effect, regardless of where in the City it was located. The Development Site consists of 533.8 contiguous acres under a single ownership. Based on a review of the current and proposed development in the City, no single undeveloped property of sufficient size to accommodate the Development Project is available.

The First Hathaway and Banning Commerce Center projects, located north of Interstate 10 (I-10), east of Hathaway Street, are currently under review by the City and are unavailable as an alternative site. Property east of these sites and west of Malki Road is controlled by the Morongo Band of Mission Indians and is not available as an alternative site. The Banning Distribution Project is slated for development on property south of I-10 and north of Banning Municipal Airport. Undeveloped land located between Banning Municipal Airport and the City's wastewater treatment facility is not sufficiently sized to accommodate the Development Project and is occupied by smaller industrial and residential uses which would require relocation. Land farther south is constrained by Smith Creek, rural residential uses, and the foothills of the San Jacinto Mountains. Other large currently undeveloped properties (the Butterfield Specific Plan [BSP] and Rancho San Gorgonio [RSG] sites) are entitled with Specific Plans envisioning the development of residential and commercial uses; therefore, these sites are not available as alternative sites. Due to the size of the Development Site, the current ownership of other properties, current or pending entitlements, and/or site constraints, no alternative site is available to accommodate the Development Project; an off-site alternative was rejected from further consideration in this EIR.

The Project includes the transfer of residential capacity to the 49.2-acre MSJC Site, located south of Westward Avenue and east of Sunset Avenue. As part of its updated Housing Element, the City identified nine parcels that have been rezoned to VHDR to accommodate additional units required by the City's Regional Housing Needs Assessment (RHNA). Appendix B of the City's Housing Element update includes an inventory of "Vacant and Underutilized Sites" which was consulted to determine if other alternate sites remain available to accept the Project's transfer of residential capacity. The relocation of existing residents and removal of existing structures would result in potential impacts and would not be consistent with State law requirements to achieve no net loss of residential units, only vacant sites included in this inventory were considered as potential alternative locations for the transfer of residential capacity. These areas are primarily infill, but none would so efficiently replace the scope and extent of housing and on a unit for unit basis. The transfer of entitlement for the units would generate the same number of trips and therefore equivalent air quality, noise and GHG impacts. Should the transfer occur over multiple sites, the possibility exists for greater impact to existing uses (due to proximity) and potentially increased VMT impacts due to the dispersed nature of multiple sites.

As there are no other singular potential sites large enough to fully accommodate the transfer of residential capacity required, consideration of an alternative site other than the MSJC Site was deemed infeasible and was not carried forward for further analysis.

10.1.2 Increased Commercial Use Alternative

Under the existing ITE rates used to develop traffic models, commercial trip generation rates are substantially higher than that of the highest intensity industrial use. Therefore, increased commercial intensity or replacement of any industrial use with commercial use would generate more traffic than would the industrial uses under the Development Project. As the Development Project already has significant project-level and cumulative air quality and greenhouse gas impacts, and because mobile source emissions are the greatest contributor to these emissions, it is reasonable to conclude that increases in project traffic resulting from more intensive commercial uses would be equally or more significant and unavoidable. As this potential alternative would not substantially lessen or avoid significant and unavoidable impacts associated with the Development Project, this alternative was rejected from further consideration in the Draft EIR.

10.1.3 Office Use Alternative

The traffic assessment for the Development Project anticipated a variety of industrial uses. The daily and peak hour trips for the most traffic intensive industrial use estimated daily, a.m. peak hour, and p.m. peak hour rates are 4.96, 0.70, and 0.63 trips per 1,000 square feet of use, respectively. Trip generation rates for general office uses in an urban/suburban setting are 10.84 daily trips, 1.52 a.m. peak hour trips, and 1.44 p.m. peak hour trips per 1,000 square feet. This rejected alternative would generate approximately 59,533 passenger cars trips from offices uses and 7,702 from commercial uses (67,255 passenger car trips total). Truck uses generated total 1,718 trips with 554 and 1,164 generated from office and commercial uses, respectively. In comparison, the Development project generates 17,166 passenger vehicle 3,330 truck trips (20,496 trips total). While truck trips are 52 percent of that associated with the Development project, passenger vehicle trips are increased by nearly 400 percent.

As mobile source emissions are the primary contributor of pollutants and greenhouse gas emissions, with the increase in traffic associated with development of office uses, it is reasonable to conclude that increases in traffic under this potential alternative would increase the level of pollutants and greenhouse gases emitted, and similar to the Development Project would result in significant and unavoidable project-specific and cumulative impacts.

As this potential alternative would not substantially lessen or avoid the significant and unavoidable impacts associated with the Development Project, this alternative was rejected from further consideration in the Draft EIR.

10.1.4 Residential Alternative (with Annexation)

This alternative would analyze development of the Development Site with a mix of residential options and includes annexation of the Southern Portion of the Development Site into the City for redevelopment with residential uses. Alternative 2 (Existing General Plan and Zoning) already considers potential impacts associated with development of the Development Site with residential uses. Furthermore, without inclusion of development of commercial or industrial uses in this portion of the Development Site, which is in the City's sphere of influence, it is not likely this potential alternative would generate sufficient revenue to justify annexation into the City; therefore, this alterative was rejected from further consideration in the Draft EIR.

10.1.5 Reduced Residential Alternative

A reduction in the amount of residential development was considered and not addressed further in the Draft EIR as it would require the City to justify that zoning reduction under State law based on public health and safety reasons. Furthermore, such an alternative would fail to satisfy any of the basic project objectives identified by the City for development of the Project.

10.1.6 Increased Residential Alternative

Alternative 2 envisions development of 1,630 units on the Development Site. As detailed in Section 8.4 of the Draft EIR, Alternative 2 was determined to generate vehicle trips and air pollutants in excess of that associated with the Development Project. A potential alternative further increasing the residential density of the Development Site was considered, though rejected as it would generate traffic in excess of that identified for the Development Project, proportionally increase the emission of air and greenhouse gas pollutants as compared with Alternative 2, and likely increase vehicle miles traveled, making it unlikely to substantially lessen or avoid any of the significant impacts associated with the Development Project.

It is reasonable to conclude that increasing residential density beyond that identified in Alternative 2, when compared to the Development Project, these exceedances would be further increased. Furthermore, use of the site for residential development would not satisfy the most of the basic project objectives identified by the City for development of the Development Site; therefore, this potential alternative was not further considered in the Draft EIR.

10.2 ALTERNATIVES UNDER CONSIDERATION

10.2.1 No Project/No Build Alternative

Finding

The City finds that the No Project/No Build Alternative fails to satisfy the Project's underlying purpose and fails to meet most of the basic the project objectives, and rejects it on that basis. The City finds that each of these reasons is an independent ground for rejecting the No Project/No Build Alternative, and by itself, independent of any other reason, justifies and hereby rejects the No Project/No Build Alternative.

Substantial Evidence

This alternative was analyzed by the City as required by CEQA Guidelines Section 15126.6(e)(3) to compare the environmental effects of the Project with an alternative that would leave the Project Sites in their existing condition (as described in Draft EIR Section 3.3). The No Project/No Build Alternative (Alternative 1) assumes that the 533.8-acre Development Site would remain in its current undeveloped condition, and the Development Site would not be rezoned. Incidental grazing and agricultural uses could take place but would not be anticipated to occur on a large-scale basis. Under this Alternative, the 49.2-acre MSJC Site would not be rezoned, as there would be no requirement to concurrently rezone another site to avoid net loss of residential capacity; therefore, no potential for future development of the MSJC Site with residential uses would occur. The Sunset Avenue Bridge, which was approved as part of the entitlements for the RSG project, would proceed as required to construct the RSG project.

Because Alternative 1 would retain the Development Site in its current undeveloped condition, the significant and unavoidable air quality, greenhouse, noise, and VMT-related impacts associated with the Development Project would not occur. While this alternative would eliminate the significant and unavoidable impacts associated with the Development Project, it would not meet any of the project objectives. Refer to EIR Section 8.3 for a complete description and evaluation of this alternative.

The No Project/No Build Alternative would result in no physical environmental impacts to the Project Sites. Agricultural uses could incidentally proceed but would not be anticipated on a large-scale basis. In the absence of development, there would be no impact in terms of construction and operational air quality, biological resources, cultural resources, energy use, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, construction and operational noise, public services, recreation, transportation, tribal cultural resources, or utilities and service systems. There would be no impacts with respect to land use as there would be no change to the City or County General Plans or zoning.

Under this Alternative, the City could proceed with construction of the Public Facilities to service existing and future demand consistent with the forecasts in the General Plan and/or Integrated Water Plan. As the City maintains more housing than available employment opportunities, absent the Development Project's 5,993 new jobs the construction and occupation of other large residential projects in the City may exacerbate the existing job-housing imbalance since the Project serves to improve the jobs-housing imbalance in the City. The absence of these job opportunities could cause persons to travel further for employment, which could indirectly contribute to a regional increase in VMT, although in the absence of development there would be no direct impacts to VMT. In the absence of fire protection afforded by the Development Project (e.g., development of a fire protection plan, including requirements for ignition resistant building materials, infrastructure improvements, hardened surfaces, landscape management and established of fuel management zones), and due to the extent and volume of existing ignition sources, this alternative could result in greater fire hazard risk to residential areas (e.g., Sun Lakes Community). Therefore, compared to the Project, there is a potential that fire hazards under this alternative may be increased. Although it is reasonable that current fire protection requirements and fire service providers would continue to provide an appropriate level of service to existing uses in the project area, and compliance with current fire protection standards/practices required by the City (e.g., clearance of flammable vegetation, etc.) would continue (see Draft EIR, Section 8.3.2.20).

Further, this Alternative fails to meet the project objectives as described in Section 3.7 of the Draft EIR. Because it would result in no new uses, this Alternative would not: (1) create positive fiscal impact to the City, (2) promote job creating uses that reduce the need for City residents to commute outside of the City for employment, (3) improve transportation efficiency by taking advantage of the site's proximity to local and regional access for industrial and commercial use, (4) address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities, (5) provide uses that allow for a diversified economy, complements existing uses, and provide a range of employment opportunities, or (6) increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.

10.2.2 No Project/Existing General Plan and Zoning Alternative

Finding

The City finds that the No Project/Existing General Plan and Zoning Alternative fails to reduce significant Development Project impacts and does not meet most of the basic project objectives. Specifically, this alternative fails to reduce the emission levels of criteria pollutants and GHGs to less than significant levels. The VMT impact and construction noise (off-site roadway/utility construction only) would also remain significant.

The development of residential and commercial uses under this would not meet most of the primary project objectives and would increase residential uses in the City without sufficiently increasing the level of employment, exacerbating the existing jobs/housing imbalance and creating additional fiscal impacts without commensurate revenue increases. The City finds that each of these reasons is an independent ground for rejecting the No Project/Existing General Plan and Zoning Alternative, and by itself, independent of any other reason, justifies the rejection of, and hereby rejects the No Project/Existing General Plan and Zoning Build Alternative.

Substantial Evidence

In accordance with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project/Existing General Plan and Zoning Alternative considers development of the Project Site with land uses that are consistent with the current City and Riverside County General Plan land use designations. This alternative assumes that the Development Site would remain undeveloped in the short term, but that future development could occur pursuant to existing City commercial and residential and County residential land use and zoning standards. Total residential development under this alternative would be comprised of 1,630 units. As with the Project, this alternative analyzes development of a 125 room hotel (approximately 90,000 square feet), a 7,500-square-foot Travel Center, and 260,900 square feet of commercial/retail uses. As there would be no net loss in residential capacity under this Alternative, the MSJC Site would not be rezoned for residential development. Refer to Section 8.4 of the Draft EIR for a complete description and evaluation of this alternative.

As detailed in Section 8.4 and Table 8.D of the Draft EIR, Alternative 2 would reduce the overall emission of air pollutants and greenhouse gases compared to the Development Project, though the reduction would be insufficient to reduce the emissions to below established thresholds of significance and the air quality and greenhouse gas impacts would remain significant and unavoidable. Similar to the Development Project, this alternative would not be consistent with Criterion 2 of the SCAQMD *CEQA Air Quality Handbook* because it would increase violations of the State and federal ambient air quality standards (AAQS) and delay the timely attainment of air quality standards indicated in the AQMP, and impacts would be significant and unavoidable. A slight increase in overall ADT (384 total trips) would occur, with the reduction in truck traffic (65 percent reduction) contributing to reductions in emissions of VOCs (35 percent), NOx (64 percent), SO (33 percent), PM_{10} (26 percent) and $PM_{2.5}$ (27 percent), compared to the Development Project (Final EIR, Revised Table 8.B). The increase in emissions of CO (24 percent) under this alternative would exceed the 550 pounds/day threshold for this pollutant established by the SCAQMD. Because other pollutants while reduced compared to the Development Project, still exceed significance thresholds, the overall significant impact of this alternative compared to the Development Project is unchanged.

Adding residential density and intensity as envisioned by this alternative would reduce the VMT per capita; however, the retail component would increase boundary VMT to the region. Further, although VMT impacts are reduced as compared with the Project, until specific tenants are identified for commercial uses, as with the Development Project it is infeasible to impose and implement specific VMT reduction measures such as traffic demand management measures at commercial uses at this time, and the VMT impact under this alternative remains potentially significant and unavoidable.

Due to changes in land use and a reduction in VMT, compared to the Development Project this alternative would result in a 32 percent decrease in GHGs generated (Final EIR, Revised Table 8.D), but the level of GHGs emitted (26,314.85 MTCO2e/year) would still exceed established thresholds of significance (3,000 MTCO2e/year). Therefore, greenhouse gas impacts would be significant and unavoidable under this alternative.

Based on the supplemental noise assessment (Final EIR, Appendix I-2), the significant traffic and stationary noise impacts resulting from implementation of the Development Project that were previously identified in the Draft EIR were eliminated. Due to the primarily residential nature of residential nature of the uses under this alternative, and the substantial decrease of truck traffic, the operational noise impact (both traffic-related and from stationary sources) under this alternative would be less than significant. Due to a similarity of construction activity, a similar level of construction noise is expected under this alternative. As with the Development Project, implementation of minimum 10-foot-high temporary construction barrier at the construction boundary when project construction activities are within 100 feet from the nearest residential structure would reduce construction noise levels by a minimum of 6 dBA and would reduce construction noise levels to 49.7 dBA Leq. With the reduction achieved by a similar mitigation, the construction noise impact resulting from this alternative also would be less than significant.

As development under this alternative (as with the Development Project) would result in earth disturbance, removal of existing natural vegetation, and landform modification throughout the site, land-based impacts (agricultural, cultural, mineral resources, hydrology, etc.) would be expected to be similar to those associated with the Development Project. Generally, residential uses have higher fiscal impacts related to the provision of public services and would generally generate less revenue to support the resultant population. As this alternative would result in the development of the Development Site under existing land use and zoning designations, it is consistent with the land use and planning policies as well as local and regional population/housing forecasts. While the demand for electricity and diesel fuel under this alternative is reduced, development with residential uses under Alternative 2 would result in a substantial increase in the demand for natural gas and gasoline as compared with the Development Project.

This alternative would not provide, to the same extent as the Development Project or either Alternatives 3 or 4, the level of employment, variety of uses, or revenue increases, and would not meet most of the basic project objectives: (1) create positive fiscal impact to the City, (2) promote job creating uses that reduce the need for City residents to commute outside of the City for employment, (3) improve transportation efficiency by taking advantage of the site's proximity to local and regional access for industrial and commercial use, (4) address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities, (5) provide uses that allow for a diversified economy, complements existing uses, and

provide a range of employment opportunities, or (6) increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities. The retention of the commercial center under this alternative would satisfy to a much lesser degree some of the basic project objectives, though the overall the primary objectives of job creation, providing for a balanced and diversified land use that maximizes economic opportunity; and the establishment of land uses that will create a positive fiscal impact for the City, for the Project would not be realized with the substantial development of residential uses. As this alternative does not include any industrial uses and only minimal commercial uses, the project objectives would be substantially unrealized with this alternative (see EIR, Table 8.S).

10.2.3 Reduced Commercial Alternative

Finding

The City finds the Reduced Commercial Alternative fails to reduce significant and unavoidable impacts of the Project to less than significant and fails to sufficiently satisfy most of the basic project objectives. It provides fewer jobs, reduced levels of sales and property tax revenue and a reduced variety of commercial opportunities as compared with the Project. The City finds that each of these reasons is an independent ground for rejecting the Reduced Commercial Alternative and by itself, independent of any other reason, justifies and hereby rejects the Reduced Commercial Alternative.

Substantial Evidence

This alternative assumes that the annexation of the Southern Portion of the Development Site proceeds and that the Development Project proceeds with the following changes: Commercial uses are removed from the Development Project with the exception of the hotel (approximately 90,000 square feet and 125 rooms) and travel center (7,500 square feet), resulting in removal of 260,900 square feet of commercial development. The area identified currently for those commercial uses in the Northern Portion of the Development Site would be replaced with 260,900 square feet of 'warehousing' uses (ITE LU 150). Other industrial uses will remain the same throughout the Development Site (same location, size, use, and ITE rates). In total, development under this alternative includes 5,805,900 square feet of industrial uses. As with the Project, to avoid net loss in residential capacity, the MSJC Site would be rezoned to allow development of up to 1,181 residential units. Refer to EIR Section 8.5 for a complete description and evaluation of this alternative.

Though emissions of criteria pollutants are reduced under this alternative as compared with the Development Project, development under this alternative would not reduce the levels of criteria pollutants to below established significance thresholds. Changes in composition of the traffic associated with this alternative would slightly reduce emissions of some pollutants (e.g., VOCs, NO_X) while increasing emissions of others (e.g., CO, SO, PM_{10}, and $PM_{2.5}$). While SO_X is reduced by a greater percentage, impacts are less than significant under both the Development Project and this alternative. CO emissions are increased under this Alternative as compared to the Development Project, but as with the Development project, do not exceed SCAQMD thresholds. Despite changes in composition of the traffic associated with this alternative, mitigated emissions of VOC, NO_X, PM_{10} and $PM_{2.5}$ remain above SCAQMD thresholds and impacts would remain significant and unavoidable.

During operation of this alternative, the volume of VOC and NOX would be reduced to approximately 165 and 323 pounds/day, respectively. In addition, under this Alternative, the volume of CO, PM10, and PM2.5 would be increased to 541, 240, and 65 pounds/day respectively (see Final EIR, revised Table 8.G). Despite the volume reductions achieved under this alternative, emissions of VOC, NO_X, PM_{10} and $PM_{2.5}$ after mitigation still remain above SCAQMD thresholds and impacts would remain significant and unavoidable. This alternative increases CO emissions to above the SCAQMD threshold of 550 lbs./day, an impact that does not occur under the Development Project. The new exceedance of CO further contributes to the significance determination. Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR to address public comments regarding the Draft EIR, still do not reduce emission levels to below established SCAQMD significance thresholds. Compared to the Development Project, the significant air quality impacts under this alternative are similar and significant. Based on the requirements for consistency with emission control strategies in the AQMP, this alternative would conflict with or obstruct the implementation of the AQMP; therefore, similar to the Development Project, impacts would be significant and unavoidable.

Compared to the Project, this alternative would reduce to some degree overall ADTs (18.2 percent) and VMT (13.4 percent) (see Final EIR, revised Table 8.Q). This alternative also reduces overall demand for electricity, natural gas, and vehicle fuels (see Final EIR, revised Table 8.H). Therefore, this alternative would result in reduced greenhouse gas emissions (32,801.19 MTCO2e/year, a 15.3 percent reduction compared to the Development Project) (see Final EIR, revised Table 8.I), as compared to the Development Project after implementation of mitigation measures, but would not reduce the greenhouse gas emissions to below the established threshold of significance of 3,000 MTCO2e/year. As such, similar to the Development Project, greenhouse gas impacts under this alternative would remain significant and unavoidable.

The reduced retail component and increase in industrial uses results in VMT per employee being nominally reduced, although still above the City's VMT impact threshold. The reduction of locally serving retail uses in Alternative 3 results in an increased trip length for the service population (i.e., population and employees) in the nearby area seeking retail services that may now be further away. This alternative would implement a Transportation Demand Management Strategy report incorporating the same features (PDFs T-1 through T-3) as the Development Project and VMT under this alternative would be reduced by 13.4 percent compared to the Development Project. Nevertheless, the VMT impact resulting from this alternative remains significant and unavoidable.

Due to the similarity of uses, this alternative would also implement the project design features identified after public review (PDFs N-1 and N-2) which eliminate the traffic noise impacts along Sunset Avenue, and the nighttime operation noise impacts to sensitive receptors south of Bobcat Road identified in the Draft EIR. As such, noise impacts under this alternative would be similar to but slightly less than those associated with the Development Project and less than significant. The development proposed under this alternative would require mass grading, fine grading, and various construction activities across the site at a location, extent, intensity and duration similar to that required of the Development Project; therefore, noise associated with grading and construction operations would also be substantially similar. As with the Development Project, implementation of minimum 10-foot-high temporary construction barrier at the construction boundary (as required under Mitigation Measure NOI-1) when project construction activities are within 100 feet from the

nearest residential structure would reduce construction noise levels by a minimum of 6 dBA and would reduce construction noise levels to 49.7 dBA Leq. With the reduction achieved by a similar mitigation, the construction noise impact resulting from this alternative also would be less than significant.

A similar suite of land use entitlement modifications would be required to develop either this alternative or the Development Project and physical modifications to the Development Site such as earth disturbance, removal of existing natural vegetation, and landform modification under this alternative would result in substantially similar building footprints as what is planned under the Development Project. With adherence to standard City codes, regulations, standards, and/or project-specific mitigation, it is reasonable that this alternative would have similar aesthetics, agricultural, biological resource, wildfire, hydrology and water quality, recreational, and cultural and tribal cultural resource impacts to those associated with the Development Project. The replacement of the commercial uses with an additional warehouse building will slightly reduce (4.5 percent) potential future jobs available (from 5,993 jobs to 5,725 jobs and would result in incremental changes in the demand for public services and utilities as commercial uses would be decreased and industrial uses increased, resulting in a decreased demand for water (to 90.6% of that required for the Development Project) and a reduction in wastewater but with no change in solid water requirements and for both this alternative and the Development Project would have less than significant impacts.

While the Reduced Commercial Alternative would satisfy most of the basic project objectives, removal of commercial, entertainment, and leisure-related attractions geared to a multi-generational, regional cliental under this alternative deprives the City of a balanced, diversified use of the Development Site, reduces the number and variety of employment opportunities, and creates a reduced fiscal benefit to the City. (See Final EIR, Table 8.S). The hotel and travel center uses retained under Alternative 3 (Reduced Commercial) would provide a less diversified economy and more limited range of commercial employment opportunities than included in the Development Project. The Development Project's regional commercial and entertainment leisure-focused attractions provide opportunities for retail and professional office development that are either not currently available or not available in this configuration in the City of Banning. As such, the removal of these uses would result in Alternative 3 satisfying the objectives of the Project to a lesser extent than the Development Project because it would not provide jobs to the same extent as the Development Project (5,725 jobs under this alternative versus 5,993 with the Development Project), would result in reduced levels of sales and property tax revenue, and a reduced variety of commercial opportunities (see Final EIR, Table 8.S).

10.2.4 Reduced Industrial Alternative

Finding

The City finds that the Reduced Industrial Alternative (Alternative 4) does not meet most of the basic project objectives to the same extent as the Development Project and lessens but does not reduce the significant environmental impacts of the Project to less than significant. The City finds that each of the reasons set forth below is an independent ground for rejecting the Reduced Industrial Alternative, and by itself, independent of any other reason, justifies and hereby rejects the Reduced Industrial Alternative.

Substantial Evidence

The Reduced Industrial Alternative assumes that the annexation of the Southern Portion of the Development Site proceeds and that the Development Project proceeds, but with the elimination of Building 9 (274,000 square feet of warehousing uses). This alternative further combines the cold storage uses into a single building (combined Building 5/6). This alternative reduces industrial building square footage by approximately 7.6 percent. This alternative foregoes the extension of Lincoln Street over the Smith Creek drainage. All other components of the Development Project would remain unchanged. Due to these changes, the overall footprint and square footage of industrial development of the Development Project is reduced. Alternative 4 reduces but does not eliminate the significant impacts associated with the Development Project.

Emissions of criteria pollutants under Alternative 4 are reduced as compared with the Development Project, but not to a sufficient extent to reduce the levels of criteria pollutants below established significance thresholds. This alternative would slightly reduce ADTs (total traffic generated under this alternative represents approximately 97.6 percent of the traffic associated with the Development Project) and VMT (reduction of 6.4 percent) (see Final EIR, revised Table 8.Q), which would also slightly reduce the overall emission of air pollutants and greenhouse gases. During operation of this alternative, the volume of all criteria pollutants would be reduced or remain the same: VOC (reduction of 5%), NOX (reduction of 6%), CO (reduction of 2%), SO (no change), PM_{10} (reduction of 4%) and $PM_{2.5}$ (reduction of 5%) (see Final EIR, revised Table 9.L). Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR to address public comments regarding the Draft EIR, still do not reduce emission levels to below SCAQMD significance thresholds. Despite the reductions achieved under this alternative, and even with revised mitigation, emissions of all criteria pollutants under this alternative, as with the Development Project, remain significant and unavoidable. Because development under this alternative would require a general plan land use change, similar to the Development Project, it would not be consistent with AQMP Consistency Criterion No. 1. The reduction in truck trips (202 daily trips) associated with this alternative would proportionally reduce TAC emissions; the TAC emissions and health risks resulting from the operation of industrial uses permitted under this alternative but as compared with the Development Project, both would remain similar and less than significant.

The mitigated greenhouse gas emissions resulting from this alternative total 33,829.54 MTCO2e/year or a reduction of 12.6 percent as compared with the Development Project (see Final EIR, revised Table 8.N) but would not reduce the emissions to below the 3,000 MTCO2e/year threshold of significance. As such, similar to the Development Project, greenhouse gas impacts under this alternative would remain significant and unavoidable.

Although implementation of Alternative 4 would reduce VMT, because Alternative 4 assumes a reduction in industrial intensity it results in no change of VMT per employee. As the City of Banning's VMT threshold is framed in an efficiency metric, the reduction of intensity and the subsequent reduction of employees remains proportional to the home-based work VMT generated. Therefore, as with the Project, VMT under Alternative 4 scenario in its entirety remains significant and unavoidable.

Due to the similarity of uses, Alternative 4 would also implement the project design features adopted subsequent to public review of the Draft EIR (PDFs N-1 and N-2) which eliminate the traffic noise impacts along Sunset Avenue, and the nighttime operation noise impacts to sensitive receptors south

of Bobcat Road identified in the Draft EIR. As such, construction noise impacts under this alternative would be similarly to those associated with the Development Project, and operational noise impacts would be slightly lower than the Development Project. Therefore, this alternative would have similar impacts to the Development project and would be less than significant.

A similar suite of land use entitlement modifications would be required to develop either this alternative or the Development Project. Due to the removal of Building 9 under this alternative, the Lincoln Street crossing of Smith Creek is not required; therefore, impacts to biological resources and jurisdictional features are reduced and no change in the rate or capacity of sediment transport would occur in this drainage. Because the area planned for Building 9 would remain undeveloped, development under this alternative would reduce the overall extent of earth disturbance and reduce the amount existing natural vegetation removed. Landform modification throughout the balance of the Development Site would result in substantially similar building footprints as what is planned under the Development Project and would have similar aesthetics, agricultural, wildfire, hydrology and water quality and cultural and tribal cultural resource impacts as well as recreational impacts to those associated with the Development Project. Incremental changes in the demand for public services and utilities would occur. Because the industrial uses are reduced under this Alternative, the overall demand for electricity, natural gas, and vehicle fuel is reduced as compared with the Development Project.

The Reduced Industrial Alternative would satisfy (see Draft EIR, Table 8.S) most of the project objectives, though to a lesser extent than the Development Project. Alternative 4 provides a similar diversified economy but has a lower range of employment opportunities than the Development Project (5,584 jobs versus 5,993 jobs for the Development Project). Because it retains the commercial uses, this alternative would meet the City's objectives of accommodating development that generates sales and property tax revenues that can increase City revenues and assist in offsetting other public services costs incurred by the City but to a lesser extent than the Development Project. As compared with the Development Project, as a result of the 7.6 % reduction in overall industrial building square footage under Alternative 4, property tax revenue from industrial buildings would be reduced as a result of the reduction in assessed valuation, and Development Project contributions under the Development Agreement, DIF fee payments, service use tax and other project related revenues, which are substantially tied to project square footage, would be reduced commensurately (by approximately 7.6%). The reduction in square footage and employees under Alternative 4 as compared with the Development Project result in decreases in a variety of revenue streams to the City without eliminating the significant unavoidable impacts of the Development Project. Although reduced, all of the significant unavoidable impacts of the Development Project would remain with this alternative.

10.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Finding

The City finds that Alternative 1 (No Project/No Build Alternative) would be environmentally superior to the Development Project based on the avoidance of physical environmental impacts and the avoidance of significant and unavoidable air quality, greenhouse, construction noise (roadway/utility improvements only), and VMT-related impacts associated with the Development Project; however, Alternative 1 does not meet any of the project objectives.

CEQA Guidelines Section 15126.6(e)(2) requires that the EIR identify an environmentally superior alternative among the other alternatives if the no project alternative is the environmentally superior alternative. Therefore, the City finds that Alternative 4 is the environmentally superior alternative as it would slightly reduce environmental effects compared to the Project and would further reduce the less than significant biological and jurisdictional waters impacts of the Development Project and Alternatives 2 and 3 while meeting most of the basic project objectives. However, the City further finds that as compared with the Development Project, Alternative 4 would produce fewer employment opportunities and would result in substantial reductions in tax, service tax and DIF fees and payments to the City which are linked to or based on project square footage. Under Alternative 4, the significant and unavoidable impacts associated with the Development Project remain. Although, as with the Development Project and Alternatives 2 and 3, mitigated impacts to Biological Resources and Hydrology are less than significant, the removal of Building 9 under Alternative 4 eliminates the need for a crossing over Smith Creek (at Lincoln Street) thus eliminating the need for mitigation to reduce potential impacts to less than significant. Compared to the Development Project, Alternative 4 slightly reduces air pollutants, greenhouse gas emissions, noise, and overall traffic, reduces the number of crossings of sensitive drainage features, maintains existing sediment transport in Smith Creek, and meets most of the basic project objectives. As compared with Alternative 3, Alternative 4 slightly reduces air pollutants and its GHG emissions are very similar to Alternative 3, and Alternative 4 would be substantially more effective in meeting the City's basic project objectives. Further, although Alternative 3 contributes slightly less to the other significant and unavoidable impacts of the Project than does Alternative 4, under both Alternative 3 and Alternative 4, the significant and unavoidable impacts associated with the Development Project remain. Therefore, the City finds that Alternative 4 is the Environmentally Superior Alternative.

Substantial Evidence

As detailed in **Section 8.4** and **Table 8.D**, Alternative 2 would reduce the overall emission of air pollutants and greenhouse gases, though the reduction would be insufficient to reduce the emissions to below established thresholds of significance and the air quality and greenhouse gas impacts would remain significant and unavoidable. Furthermore, while adding residential density and intensity to the Project would reduce the VMT per capita, the retail component continues to increase boundary VMT to the region; therefore, the VMT impact resulting from Alternative 2 in its entirety would be considered potentially significant. Changes in vehicle traffic and the removal of large industrial buildings that would occur under Alternative 2 would reduce traffic-related and stationary noise sources; though the significant and unavoidable operational impacts of the Development Project previously identified in the Draft EIR (e.g. operational traffic noise east of Sunset Avenue and nighttime operational noise south of Bobcat Road) have been eliminated through the implementation of project design features; therefore, the noise impacts associated with Alternative 2 would be similar to that of the Development Project, and less than significant (Draft EIR Section 8.7).

Compared to the Development Project and Alternative 4, Alternative 3 increases emissions of CO, SO, PM_{10}, and $PM_{2.5}$, with emissions of CO increasing beyond established significance thresholds (a new impact not created by the Development Project). Under Alterative 4, the level of VOCs, NOx, CO, PM_{10} and $PM_{2.5}$ criteria pollutants is reduced from that resulting from Development Project. Additionally, when the overall emissions from Alternative 3 and 4 are compared, emissions of VOCs, CO, PM_{10} and $PM_{2.5}$ criteria pollutants for Alternative 4 are the lower of the two, except for emissions of NOx (which

are 5 lb/day or one percent greater than NOx emission from Alternative 3). As detailed in **REVISED Tables 8.G and 8.L,** both alternatives still exceed the established significance thresholds, and would require mitigation. While implementation of revised Mitigation Measures AIR-1 and AIR-2 would apply equally to either alternative, the air quality impacts of either alternative remains, similar to the Development Project, significant and unavoidable. Since Alternative 4 does reduce the level of all criteria pollutants (when compared to the Development Project) and does not result in a new CO exceedance (see **REVISED Table 8.Q**), of the two, Alternative 4 provides a greater reduction in pollutant levels.

While the significant and unavoidable air quality, greenhouse gas, noise, and VMT impacts would still occur under either of these alternatives, as established in **Sections 8.5 and 8.6** and as compared to the Development Project, Alternative 4's relative contribution to these impacts is slightly reduced. Project design features PDF N-1 and PDF N-2 would apply equally to either Alternative 3 or 4, and similar to the effect of these features on the Development Project, the traffic related noise (east of Sunset Avenue) and operational noise (south of Bobcat Road) would be reduced to a less than significant level under either alternative. Like the Development Project, the significant and unavoidable construction impact resulting from roadway and utility improvements would remain under both Alternative 3 and 4.

With respect to meeting the Project objectives, Alternative 4 would be substantially more effective (see Table 8.S) in meeting the City's basic project objectives than would Alternative 3. Alternative 4 meets all of the basic project objectives compared to Alternative 3, although to a lesser degree than the Development Project, and with the removal of Building 9, eliminates the need for a crossing over Smith Creek (at Lincoln Street) and retains the area planned for Building 9 in an undeveloped state reducing the overall extent of earth disturbance and the amount existing natural vegetation removed. Draft EIR Section 8.6.3.

The hotel and travel center uses retained under Alternative 3 (Reduced Commercial) would provide a less diversified economy and more limited range of commercial employment opportunities than that included in Alternative 4 (Reduced Industrial). In addition, Alternative 3 would provide much less sales tax revenue and reduced property tax revenue than Alternative 4 (Reduced Industrial) and would be materially less effective in satisfying the City's economically based objectives for development of the Development Site.

The City's economically based objectives are of critical importance to the City. In its 2023 and 2024 fiscal years, the City has had to draw from its reserves to meet its general fund budgeted requirements. Therefore, while Alternative 4 is the environmentally superior alternative and best meets most of the basic objectives over the other alternatives, the reduction in revenue over the Development Project is problematic for the City. Further, Alternative 4 reduces the scope of but does not eliminate the significant and unavoidable impacts identified for the Project. The City concludes therefore that the Development Project provides the best balance between the Project objectives, the Project's benefits as described in the Statement of Overriding Considerations, and mitigates environmental impacts to the extent feasible.

ATTACHMENT A

STATEMENT OF OVERRIDING CONSIDERATIONS

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CITY OF BANNING
SUNSET CROSSROADS SPECIFIC PLAN PROJECT
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 15093 of the State CEQA Guidelines and Section 21081(b) of the Public Resources Code

The City of Banning (the City), upon consideration of all evidence in the record of proceedings for the Project, adopts the following findings based on its independent review and judgment. The City specifically finds and determines that this Statement of Overriding Considerations (Statement) is based upon and supported by substantial evidence in the record. Initially capitalized terms used in this Statement have the meanings set forth in the CEQA Findings to which this Statement is appended.

The City acknowledges that implementation of the Project will result in significant and unavoidable impacts. As detailed in this Statement, the City has carefully considered and balanced the benefits of the Sunset Crossroads Project against its unavoidable environmental risks as required by Section 15093(a) of the State CEQA Guidelines, which states: "[i]f the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.' "Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See Towards Responsibility in Planning v. City Council (1988) 200 Cal App.3d 671; Dusek v. Redevelopment Agency (1985) 173 Cal App. 3d 1029; City of Poway v City of San Diego (1984) 155 Cal App. 3d 1037; Markley v. City Council (1982) 131 Cal App.3d 656.

Public Resource Code Section 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...."

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors."

As the CEQA Lead Agency for the proposed Project, the City has reviewed the EIR, the Project description and the alternatives to the Project presented in the EIR, and the City fully understands the Project, its alternatives, and proposed mitigation measures. The City finds and determines that:

(i) the majority of the significant impacts of the Project will be reduced to less-than significant and acceptable levels by the mitigation measures described in the Final EIR and approved and adopted by these Findings;

(ii) the City's approval of the Project will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and

(iii) all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the DEIR, Final EIR and public testimony and there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level are therefore considered significant and unavoidable. Having considered the potential for the Project to cause or contribute to significant and unavoidable adverse impacts to air quality, greenhouse gas emissions, noise, and transportation, the City hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the significant and unavoidable impacts identified in the EIR, and that no additional feasible mitigation or alternatives are available to further reduce or avoid significant impacts.

The City has carefully considered all of the environmental impacts that have not been mitigated to a less than significant level. The City has also carefully considered the economic, fiscal, legal, social and technological benefits of the Project, as well as other considerations. Based upon the substantial evidence in the administrative record, including but not limited to the EIR and the Development Agreement associated with the Development Project, and as detailed below and the City of Banning Comprehensive Economic Development Strategy (CEDS) 2021-2026 dated December 2021 ("Banning CEDS"), the City finds that specific economic, legal, social, technological or other benefits of the Project outweigh the Project's unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are "acceptable". Specifically, the City finds that each of the following benefits, on their own, is sufficient to justify the adverse environmental effects of the Development Project. This Statement is made as to every significant, unavoidable impacts of the Project identified in the EIR and Findings which occur despite the adoption of feasible mitigation measures, and which create or otherwise contribute to related cumulative impacts and the City finds that any one of these Project benefits standing alone would be sufficient to sustain this Statement.

THE CITY HEREBY FINDS AND DECLARES that, having reduced the adverse significant environmental effects of the Project to the extent feasible by incorporating project design features, taking into account required regulatory measures and adopting the mitigation measures identified in the MMRP, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impacts after mitigation, the City has determined that the social, economic and other benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

1. The Project would meet the Project objectives established by the City.

As demonstrated by the EIR, the Findings, this Statement, the Specific Plan and the remainder of the documents and evidence comprising the administrative record, the Project meets the following objectives established by the City in the Specific Plan and EIR, which objectives are fundamental to the approval of the Project by the City:

- Establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents.

- Establish land uses for properties in the City's sphere of influence that will create positive fiscal impact to the City and provide sufficient fiscal benefit to permit annexation of the property upon which the project is proposed into the City.

- Promote job creating uses that reduce the need for City residents to commute outside of the City for employment, thereby improving the City's jobs to housing ratio.

- Locate industrial and commercial uses that rely on transportation efficiency in areas with convenient access to the local and regional transportation network, thereby minimizing truck traffic on local streets and reducing vehicle miles traveled in the region to the extent feasible.

- Address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities.

- Use comprehensive planning tools to create a master-planned development that will be marketable to users, establish an aesthetically pleasing environment, and minimize impacts to adjoining uses.

- Increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.

- Assist in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.

- Assist the City in developing roadway and utility infrastructure to support the anticipated growth requirements of the City and to improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to serve the needs of local residents and businesses.

- Conserve natural drainage features and open space to provide a balance between the built and natural environment.

2. The Development Project is consistent with and will contribute to achieving the policies, goals and objectives established by the City of Banning General Plan.

The Development Project will establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents. Implementing the City's General Plan and its policies is a legal and social prerogative of the City. The City of Banning General Plan Land Use Element seeks to ensure a balance of residential, commercial, industrial, open space and public lands, and to allow changes to the General Plan land use categories for the remaining capacity of undeveloped land. The addition of industrial, retail, professional and medical offices, education, recreation, and hospitality uses that are permitted by the Sunset Crossroads Specific Plan will contribute to the City of Banning's sales tax base and will provide a diverse set of modern uses to support job creation, needed retail, wellness and medical services as well as leisure activities of City residents and visitors, consistent with these policies. The Sunset Crossroads Specific Plan retains the existing General Commercial designation for the northeastern portion of the Development Site and the Open Space – Park, and Open Space –Resources land uses elsewhere on the Development Site to provide recreational opportunities and avoid development of riparian/riverine resources and related upland areas. The remainder of the Development Site is redesignated with the adoption of the Development Project from Residential to Industrial. The Land Use Element recognizes that industrial development has been and will continue to be an important source of jobs in the City and incorporates policies to allow the City to attract industrial land uses. Large-scale residential development is occurring in other areas of the City and residentially-zoned land makes up 53 percent of all the vacant land in the City, while open space comprises 35 percent. Although industrial and commercial development are key economic drivers to the City to achieve fiscal sustainability, only 12 percent of undeveloped land in the City is zoned commercial, industrial, and public facilities and only 8% of developed land is zoned for existing industrial uses. Further, as identified in Chapter 8.0 of the DEIR, there is limited undeveloped land available in the City for large-scale industrial development and no single undeveloped property in the City is of sufficient size to accommodate the range and size of uses of the Development Project. Development of the Development Project on undeveloped land in the City and within the City's sphere of influence would expand industrial options within the City and San Gorgonio Pass region in a manner consistent with General Plan goals, policies and objectives.

The General Plan also identifies specific plans as an important tool in the coordinated development of larger parcels, or of projects which propose a variety of land uses to ensure the coordinated, orderly development of a project. To minimize impacts to adjoining uses, and to assure that the design, development, operation, and maintenance of uses, infrastructure, landscaping and open space will be consistent with the General Plan, each specific plan will develop standards and guidelines directing development. Circulation and infrastructure improvements would also be required to be in conformance with the roadway classification and design outlined in the City's General Plan. Thus, the Project is consistent with and furthers the City' General Plan policies, goals and objectives.

3. The Project meets the core economic objectives of the City identified in the City's Comprehensive Economic Development Strategy (2021-2026) ("Banning CEDS") and General Plan, as follows:

a. Increase fiscal revenue generation.

The General Plan identifies that the City's tax revenues have not kept pace with its need for services. As described in the Fiscal Impact Analysis attached as Exhibit A to this Statement ("Fiscal Impact Analysis"), the construction and development of the Development Site would produce an economic stimulus as a result of the payment of one-time fees including estimated total development impact fees to the City and region of approximately $66,843,000, based on the current fee schedule in effect. The City fees are used to fund police, fire, general city, wastewater, water, and traffic control facilities and regional fees support transportation and conservation policies of the region that enhance transportation infrastructure and open space conservation in a manner that supports City needs and policies. Additionally, construction of the Development Project would result in the payment of approximately $5 million in fees designated for the Banning Unified School District for discretionary use, which would provide a benefit to current and future residents of the City.

The Fiscal Impact Analysis identifies net recurring annual general fund surplus paid to the City at buildout, of approximately $1.91 million. This is comprised of approximately $3.34 MM of recurring annual revenue to the City including, on an annual basis, $831,238 in property tax revenue to the City, $1,427,643 in Property Taxes In lieu of Motor Vehicle License Fee (MVLF), and $355,447 in other revenues, $451,688 per year in transient occupancy tax for the City from the hotel, and $269,363 in annual sales tax to the City from the commercial components of the Development Project. The Development Project is expected to result in approximately $1.42 million of recurring annual expenditure to the City associated with the Development Project. These annual revenues more than cover the costs to the City associated with the Development Project and as a result will offset certain public services costs incurred by the City from the development and maintenance in the City of uses such as housing and public facilities that have a negative fiscal impact. Additionally, the $1.91 million in net recurring annual general fund surplus will serve to reduce or eliminate the need to expend cash reserves, such as was done in fiscal years 2022-23 and 2023-24 when city cashflows from operations were negative, or avoid the reduction of services provided to citizens within the City due to general fund limitations.

Through the Development Agreement, the Development Project will also support a City created service special tax establishing a perpetual maintenance tax on industrial portions of the Development Project to contribute to the City's long-term infrastructure maintenance. Per the terms of the Development Agreement, the service special tax will generate up to $.10 per industrial building square foot (estimated at $554,500 upon Development Project buildout).

Development and construction of the Project will create both temporary and permanent onsite jobs, will indirectly support local and regional jobs and will create a one-time stimulus to the local and regional economies. The Development Project is estimated to generate

approximately 3,500 annual full time equivalent construction related jobs, and 5,993 permanent jobs. Temporary construction and long-term operational jobs created by the Development Project would result in increased spending throughout the region, including in the City. Any development of the MSJC Site, should it occur, would create construction jobs and one-time development impact fee revenues to the City as well. It is anticipated that the Project would increase annual personal earnings through the generation of these new jobs, and these earnings would ripple through the local and regional economy, creating a one-time increase in output and earnings associated with construction jobs and an on-going increase in output and earnings associated with permanent jobs.

b. Enhance employment, educational and business opportunities and industrial job creation and further a balance of land uses.

The Project will improve industrial job opportunities in the City (and thus the City's jobs-to-housing balance) consistent with Banning General Plan Land Use Element goals and policies. The Land Use Element identifies industrial development as an important source of jobs in the City and notes that industrial development can bring stable and generally higher paying jobs to a community and can induce development in a variety of secondary or supporting industries. The General Plan encourages designation of sufficient industrial lands for manufacturing, warehousing and distribution while carefully considering compatibility with adjacent lands (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 7). The General Plan encourages industrial campuses and master planned projects (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 11).

As identified in the Banning CEDS, compared to Riverside County, Banning has a higher concentration of jobs in the health care and social assistance sector and to a lesser extent in other services. Weaknesses to the economic health of the City identified in the Banning CEDS include outdated zoning that does not precisely consider current land use trends, and a limited job base forcing most workers to commute long distances. Major goals of the City identified in the Banning CEDS are to expand and diversify industrial uses to provide a wide range of quality employment opportunities and expand workforce development programs. (Banning CEDS, p. 34). However, the Banning CEDS indicated that while Riverside County has seen 80 million square feet of new industrial development in the past decade (50% growth) and there has been 4 million square foot growth in the Beaumont / Hemet submarket, there was zero growth in Banning for these uses. The report identifies this as a major job expansion opportunity for the City. (Banning CEDS at p. 15-17).

The Development Project directly supports the City's industrial development goals and objectives by providing approximately 5,993 permanent new jobs, including 5,383 industrial employees, 537 retail employees and 73 service employees (Draft EIR, Table 4.17.A). Job creation associated with industrial and commercial uses is also consistent with the types of jobs sought by Banning residents. According to the US Census Bureau 2019 Average Community Survey 5-Year Estimates cited in the Banning CEDS, approximately 52 percent of the population in Banning aged 25 years and older had high school education or lower, while 15 percent had earned a Bachelor's degree or higher. Riverside County and California featured higher college attainment (22 percent and 34 percent, respectively). As stated in the Banning

EDS, "this lack in educational attainment suggests that a sizable proportion of the labor force may not have the education required to compete in the labor market for higher-skilled jobs with higher wages." The range of opportunities provided by the Development Project would suit a range of workers from unskilled to skilled, including food service, retail service, various warehouse positions, hospitality service positions, office worker positions, and management level positions for all industries. With projected employment for the Development Project anticipated to be 5,993, the Development Project would provide varied employment opportunities for the City's population through the horizon year of 2045 (Draft EIR, Section 4.14.3.1).

Increasing employment opportunities will also improve the jobs-housing balance in the City and surrounding area (Draft EIR, p. 4.14-4; response to Comment D-3-18), furthering City and regional goals of placing employment near housing to reduce commute times and obtain benefits to the environment from reductions in vehicle miles traveled. Approximately 86.1 percent of Banning residents commute outside of the City for work (Pre-certified Local Housing Data for the City of Banning, Southern California Association of Governments, updated April 2021, page 21). While no specific jobs-housing balance data is available for the City, the SCAG Connect SoCal RTP/SCS Environmental Justice technical report indicates that Riverside County has a jobs-to-housing ratio of 0.88 and previous evaluations indicated that the City of Banning followed similar trends as the County as a whole, with more housing available than employment opportunities within the City. Based on the number of jobs (10,500) and housing stock (12,156 units) in the City, the City's jobs/housing ratio would be calculated at approximately 0.86, slightly lower than Riverside County as a whole. The City follows the general trend of having more housing available than employment opportunities within the City. The Project would provide job opportunities close to home for existing and future Banning residents, which would subsequently help achieve a better job-to-housing balance within the City.

The current unemployment in the City and County of Riverside in August 2023 are at 6.6 and 4.6 percent, respectively. (See Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2024 - Preliminary, California Economic Development Department and response to EIR Comment D-3-18). By providing job opportunities in a housing-rich area and commercial and industrial uses near the regional transportation network, the Development Project supports the strong planning processes emphasized under the SCAG RTP/SCS, helps reduce commuting distance to jobs, and facilitates more efficient movement of goods throughout the region. Therefore, the Project would have a beneficial impact on the City's job creation goals and support existing residential land uses in the City, with a balance of other uses.

c. Enhance Banning's commercial and residential market by attracting and retaining a healthy balance of local and national businesses.

The Banning CEDS identifies a need for community shopping centers to support existing and planned residential development in the City. The 47.9-acre commercial components of the Sunset Crossroads Specific Plan (referred to as Sunset Crossroads) have been crafted to support City residents by attracting new businesses, such as leisure, retail, medical office,

professional office, education, recreation and entertainment uses along with a freeway accessible 125-room hotel restaurants and wellness facilities,. These uses are either not currently available or not available in this configuration in the City of Banning. As detailed in Section 3.b above, the Development Project would provide approximately 537 retail employees and 73 service jobs generated from commercial use. The addition of retail, professional and medical offices, education, recreation, and hospitality uses will contribute to the City of Banning's sales tax base and will provide a diverse set of uses to create an enjoyable shopping and dining experience and to support leisure activities of City residents and visitors. The Development Project includes design guidelines for on-site development, open space areas, and lighting that would ensure consistency with the City's General Plan goals and policies regarding aesthetics. The project design uses contemporary architecture, lighting and signage, combined with architectural elevations and a variety of uses to create a safe and welcoming environment for residents and visitors and to create a destination that contributes to the long-term prosperity of the City of Banning.

d. Develop a wide range of housing options.

Consistent with goals of the Banning CEDS, through the Sunset Crossroads development, the Development Project would provide additional commercial opportunities that support buildout of properties zoned as residential in the City. At the same time, with the zoning of the MSJC Site southeast of the Development Site for high density residential development allowing at least 1,146 and up to 1,181 very high density residential units (Draft EIR, p. 4.14-4), the Development Project allows the City to comply with State law mandates that there be no net loss of housing entitlement and to support its Housing Element Goals of achieving a wide range of housing options, including very high density residential units. Although the City General Plan and zoning provides for very high density residential development, there are only limited areas in the City where VHDR zoning is in place and thus this rezoning supports a diversity of housing type options in the City.

As indicated in the City of Banning 6th Cycle Housing Element, low-income households (50 to 80 percent AMI) comprised 24 percent of the City's households, while moderate and above-moderate income households comprised 40 percent of the City and approximately 36 percent of Banning households were considered extremely low or very low-income. Given this income spread, higher density, lower cost housing is an essential element of the City's residential planning effort. Although the MSJC Site is not designated for housing development to support RHNA goals, the Housing Element identified a shortage of VHDR zoning in the City and required the City to develop standards for the VHDR zone with a minimum density of 20 du/acre and maximum of 30 du/acre by October 2023. Application of the City's General Plan requirement for a specific plan overlay for the MSJC Site would ensure that residential development of that site, should it occur, is carried out in a cohesive manner, would account for the provision of adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability), and would provide the opportunity for clustering of residential development on the property, supporting the City's housing goals and objectives.

4. The Development Project will fund critical infrastructure improvements that the City would not otherwise be able to fund with current revenue streams and provide land for development of key City infrastructure projects.

The Development Project will contribute substantial roadway and utility infrastructure through direct construction and payment of development impact fees, fair share fees and public benefit fees that will support the anticipated growth requirements of the City and improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to serve the needs of residents and businesses. The City has a detailed Integrated Master Plan (2018), development impact fee program, and other plans that together establish and plan for the infrastructure needs for the City and provide funds for capital improvements as projects are developed, but lacks funding to fulfill its objectives. Construction of the Development Project would result in the payment of one-time fees including estimated total development impact fees to the City and region of approximately $66,843,000, based on the current fee schedule in effect, which will be used to address City and regional infrastructure needs including development of road and utility infrastructure and for conservation (MSHCP) purposes. Additionally, construction of the Development Project would result in the payment of approximately $5 million in fees designated for the Banning Unified School District for discretionary use, which would provide a benefit to current and future residents of the City. Development of the MSJC Site, should it occur, would provide further development impact fees to support City infrastructure. The City General Plan has identified construction of the Sun Lakes Boulevard Extension as a key City goal to help reduce impacts to the intersections of Highland Springs Avenue at Interstate 10 (I-10) and West Ramsey Street and create an east/west link across the City of Banning, south of I-10, supporting regional transportation planning and assisting in maintaining peak hour levels of service to "D" or better on roadways and intersections. As a component of its DIF funding, the Development Project will contribute DIF Transportation Fees of $27.6 Million including an accelerated payment of $5.1 million to complete remaining expected funding needed for construction of the extension of Sun Lakes Boulevard.

In addition, through the Development Project's Development Agreement and Specific Plan requirements, the Development Project Applicant will be providing additional public benefits supporting the surrounding community, including:

- A public benefit fee of the lesser of $8 Million or $1.44 per square foot of entitled warehouse/logistics/industrial building square footage, that can be used by the City to support its infrastructure needs not required by the Development Project, such as roadways, utilities, and future development of a fire station, if needed. Applicant will pre-pay $1 million of this at issuance of initial grading permit.

- Construction of surrounding and internal roadways and improvements to circulation features in the existing surrounding community, enhancing connectivity within the City.

- Undergrounding of all existing utility lines along the perimeter of the Development Site.

- Although the Development Project would not require construction of an electrical substation to serve the Development Project, contribution of up to $10 million for construction of BEU's

planned substation, as well as conveyance of land to the City or BEU at less than fair market value for the electrical substation.

- Conveyance of land to city at less than fair market value for fire station, water reservoir and pump facility, for city's future use, if determined necessary by the city.

5. The Project will expand industrial options within the City and provide needed infrastructure, services, and jobs, in proximity to regional transportation in a manner that is consistent with regional plans and policies and City General Plan Elements.

The Sunset Crossroads Specific Plan Project will locate high-quality, large-scale high cube warehouse/distribution centers with convenient access to the local and regional transportation network, thereby minimizing truck traffic on the local (non-highway) roadway system and reducing vehicle miles traveled in the region to the extent feasible. The Development Site is located immediately adjacent to Interstate 10 (I-10), a regionally and nationally important east-west transportation facility that connects the City to the greater Los Angeles area, including the Ports of Los Angeles and Long Beach, and to other major metropolitan areas to the east. Regional connectivity is further provided by interchanges on I-10 connecting to State Routes (SR) 60, 62, 111, and 243 which provide access to Moreno Valley/Riverside, Yucca Valley/29 Palms, Palm Springs, and Idyllwild, respectively. (Draft EIR at p. 3-7) Regional access to the Development Site is provided via the I-10 Freeway at the Sunset Avenue, which is a full interchange located within 1/4 mile of the Development Site. The location of the Development Site thus facilitates implementation of SCAG's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals by creating a major employment center in an RTP/SCS designated priority growth area designed to reduce VMT and improve the existing jobs to housing imbalance. The Development Site location also implements the RTC/SCS goal of supporting the vital goods movement industry by allowing trucks traveling to and from the Development Project to efficiently access the regional transportation network ((SR-60, I-15, and I-215) to facilitate the movement of goods throughout the region.

The location of the Development Site at Sunset Avenue and in close proximity to the Sunset Avenue / I-10 interchange, is consistent with existing City General Plan policies that indicate that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 8). The location of the Development Site is unique in the City in terms of its size and location and provides an opportunity for development proximate to major transportation corridors and existing and planned infrastructure in the City.

At the same time, the size of the Development Site allows for design standards and guidelines imposed by the Sunset Crossroads Specific Plan to create buffer areas from adjoining uses and allows a functional and balanced land use plan for the Development Site and the area that conforms to General Plan goals, policies and objectives. The proximity to I-10 by direct arterial and secondary highways, the shift of the Sunset Avenue alignment to the west away from existing residential uses and incorporation of other project design features including a truck route management plan that restricts tractor-trailer access to residential neighborhoods is consistent

with City General Plan Land Use and Noise Elements policies that encourage industrial development while also seeking to restrict truck traffic on residential roads. As a result of its location, project design features and mitigation measures imposed by the EIR and Specific Plan and conformance with General Plan goals, policies and objectives, the Development Project does not result in significant localized significant air quality or health risk impacts, or in noise impacts other than with respect to roadway and utility construction and conforms with a range of City policies promoting a balance of land uses, including industrial, commercial and residential uses in the City.

6. **The Project will facilitate the City's goal of sustainable development by being energy and water efficient in conformance with the City's General Plan Policies and other State and Regional Plans.**

   The Specific Plan requires the Development Project to be energy efficient in that it must be consistent with or exceed the criteria from the California Building Code, Title 24 standards which the City has adopted by ordinance. As a result, the Development Project Specific Plan imposes minimum requirements related to energy efficient structures, lighting and appliances; compliance with building code solar requirements; energy efficient heating and cooling, potable water systems, water efficient irrigation systems for drought tolerant landscaping that can be served by recycled water, installation of EV charging stations, and incorporation of transportation demand management features and bicycle access and parking.

7. **The Development Project will assist the City's municipally owned utility (BEU) in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.**

   Banning Electric Utility (BEU) is the City's municipal utility, and its service area includes the Project Site. SB 100 requires BEU's portfolio to be 100 percent renewable by 2045. BEU competes with other utilities which likewise are required to increase their renewable portfolios. According to the U.S. Census, the City's median income in 2022 was $54,083 and the poverty rate was 18.9%; therefore, it is important that electricity rates for residents remain affordable as the City's renewable portfolio grows to meet State requirements. To keep electricity costs down for residents, the City needs to enter into long-term renewable energy purchase contracts in as large an amount as possible to obtain favorable rates for renewable sources. However, due to State mandated solar requirements for rooftops, the City has an abundance of solar generation from newer residential developments during daylight hours depressing its electrical demand system load and forcing BEU to "dump" excess electricity, including the electricity from its current solar power purchase agreement, into the California Independent System Operator (CAISO) wholesale markets, at low to no return due to the glut of solar on the grid during the daytime. Increases in large commercial and industrial development within the City, that purchase electricity from BEU, like the Development Project, facilitate and support the utility's long-term renewable energy contracts and promote efficiency in electrical generation and usage. The Development Project will directly and immediately support BEU's renewable power objectives. At buildout and with the implementation of the stated mitigation and PDFs, the Development Project electricity use would be 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity per year. As total electricity consumption in the BEU service area in 2022 was 151.5 GWh, the Development Project electric

demand represents approximately 16.9 percent of existing electricity consumption within the BEU service area and 0.14 percent of current electrical demand in Riverside County. (DEIR at p. 4.19-27). The BEU has included the energy usage by this Development Project as well as two other large residential projects in its future planning, which has enabled it to enter into long-term contracts for the purchase of renewable sources of electricity as required by State law. (DEIR at p. 4.19-28). Construction of the Development Project allows the City to continue to maintain these power agreements while keeping costs for its users at reasonable rates.

In addition, the Development Project includes the right to develop a 65 megawatt-hours (MWh) Battery Energy Storage System (BESS) facility in an industrially zoned portion of the Development Site. The BESS would be a privately owned and operated 65-megawatt-hour (MWh) battery energy storage facility proposed to support storage of energy by the BEU to assist BEU in managing the supply of energy it receives. (DEIR at p. 4.9-11). As such, it would also facilitate BEU's goals of maximizing renewable sources of energy and minimizing costs to its customers by allowing BEU to store energy generated when there is a glut of solar production for use in hours when there is more demand.

8. The Development Project would conserve natural drainage features and open space to provide a balance between the built and natural environment.

The Sunset Crossroads Specific Plan creates approximately 12.6 acres of Open Space – Parks and 53.0 acres of Open Space – Resource. Consistent with City General Plan Biological Resources Element Policy 4 (encouraging preservation of drainage channels in natural open space to the greatest extent possible), the Development Project was designed to avoid most of the drainage features as well as providing a buffer area around the drainages. With implementation of the Project, permanent conservation of 7.92 of 8.99-acres of riparian/riverine lands on the Development Site and a surrounding buffer of 32.58-acres will be preserved, and a minimum of 3.21-acres of Project Site riparian habitat will be enhanced or restored (a 3:1 ratio) within the conservation area on-site. With these actions, a total of 40.5 acres of land will be designated in the General Plan as Open Space-Resources. These open space and conservation lands will be preserved and managed in perpetuity to protect environmental resources and provide enhanced recreational opportunities and scenic qualities in the City. Where new roads cross the riparian corridors, undercrossings allowing wildlife movement and continued downstream sediment transport are required. These undercrossings will assure the long-term conservation of the riparian/riverine resources which are being avoided and preserve their associated functions and values for Project Site features and for downstream conservation areas associated with the sediment transport system. Any development on the MSJC Site would be required to meet regulatory mitigation requirements as well.

Although the Development Project would not include the development of residential units and would not add to the existing population nor generate new residential park demand, the Development Project provides a 12.6-acre Open Space – Parks area that would be publicly accessible, including a 5 acre passive park within the Development Site that could provide a variety of recreational amenities including a tot lot playground, picnic tables, trails, walking paths, surface parking lot, and restroom.

EXHIBIT A
SUNSET CROSSROADS SPECIFIC PLAN FISCAL IMPACT ANALYSIS

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FISCAL IMPACT ANALYSIS
FOR
SUNSET CROSSROADS

January 2024

Prepared By:

DPFG

DEVELOPMENT PLANNING & FINANCING GROUP

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Appendices:

Appendix A – Project Site Plan

Appendix B – Fiscal Impact Analysis Tables

Appendix C – Development Impact Fees

1. Project Description

Sunset Crossroads is a proposed industrial and commercial development of approximately 546 acres. The Project is currently located in both the City of Banning and the Unincorporated County of Riverside ("County"), adjacent to the Interstate 10 Freeway. The Project is anticipated to be comprised of approximately 5,500,000 square feet of industrial warehouse and distribution, approximately 258,000 square feet of retail uses including a sports complex and restaurants, approximately 9,500 square feet of office and medical office, along with a 125-key hotel. The portion of the site not currently within City boundaries is anticipated to annex from the County to the City before construction begins. A table detailing the Land Use Assumptions for the Project is included on the following page and a Project Site Plan has been included in Appendix A for the reader's reference.

LAND USE ASSUMPTIONS

Industrial			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Building 1	1,420,000	$ 258	$ 366,360,000
Building 2	1,386,000	258	357,588,000
Building 3	575,000	258	148,350,000
Building 4	44,000	258	11,352,000
Building 5	326,000	258	84,108,000
Building 6	152,000	258	39,216,000
Building 7	896,000	258	231,168,000
Building 8	250,000	258	64,500,000
Building 9	274,000	258	70,692,000
Building 10	222,000	258	57,276,000
Subtotal Industrial	**5,545,000**	**$ 258**	**$ 1,430,610,000**

Retail			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Restaurant	56,500	$ 208	$ 11,752,000
Gym	54,000	208	11,232,000
Go-Kart	40,700	208	8,465,600
Sports Complex	88,200	208	18,345,600
Retail	19,500	208	4,056,000
Subtotal Commercial Retail	**258,900**	**$ 208**	**$ 53,851,200**

Office / Medical Office			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Office / Medical Office	9,500	206	1,957,000
Subtotal Office / Medical Offi	**9,500**	**$ 206**	**$ 1,957,000**

Hotel 125 Keys			
Probable Tenant Type	**Number of Rooms**	**Estimated Assessed Value per Room (a)**	**Total Assessed Value**
Hotel	125	$ 104,000	$ 13,000,000
Subtotal Hotel	**125**	**$ 104,000**	**$ 13,000,000**

Total Project Assessed Value	$ 1,499,418,200

Footnotes:
(a) Commercial estimated value per square foot per Table 3.

2. Purpose of Fiscal Impact Analysis

This Fiscal Impact Analysis ("FIA") has been prepared to determine the estimated fiscal impacts on the City of Banning ("City") in connection with the proposed development of the Sunset Crossroads project ("Project"). The reader should be aware that the FIA contains estimates or projections of the Project's future revenue and cost impacts on the City and actual fiscal results may vary from estimates because events and circumstances may occur in a manner that is different than projected in the FIA. The primary purpose of this FIA is to estimate the Project's net fiscal impact on the City's General Fund upon build-out, as further detailed in the report and in Tables 1 through 11 included in Appendix B. In addition to estimating the net fiscal impacts of the Project, this FIA provides an approximate estimate of the total non-recurring Development Impact Fees ("DIF") to be paid to the City, as detailed below in Section 3.1 and in Appendix C, Table 1. This analysis also provides an estimate of the temporary full time equivalent jobs generated by the construction of the Project, as detailed below in Section 3.2.

3. Benefits Summary

The Project will result in multiple types of benefits to the City, both in the form of recurring benefits, which will continue to occur annually beyond the Project's buildout, as well as non-recurring benefits in the form of one-time payments and the creation of additional construction jobs during the Project's construction period. In addition to these benefits, which are discussed and elaborated on later in this FIA, it should be noted that there are potentially other various benefits that this FIA and Development Impact Fee Summary does not address.

3.1 Development Impact Fee Summary

While not included as a factor when estimating the net fiscal impacts of the Project, as they are a one-time revenue event, the Project will be subject to Development Impact Fees ("DIF") collected by the City. The City fees are used to fund Police Facilities, Fire Facilities, General City Facilities, Wastewater Facilities, Water Facilities, and Traffic Control Facilities. The City will also collect fees for TUMF and MSCHP which will be passed through to the Western Riverside Council of Governments and the Western Riverside County Regional Conservation Authority, respectively. The total development impact fees to be paid to the City are anticipated to be approximately **$66,843,000** at buildout, based on the current fee schedule in effect, as shown in Appendix C, Table 1.

3.2 Temporary (Construction Related) Jobs Created

In addition to the recurring and non-recurring revenues generated by the Project, the site is also estimated to generate approximately **3,500** annual full time equivalent construction related jobs during the 10-year construction period, based on RIMS II data and Los Angeles Economic Development Corporation data. These temporary construction jobs are in addition to the estimated permanent employees generated at buildout by the Project.

3.3 FIA Summarization

At buildout, the Project is anticipated to generate a surplus of **$1,915,331** to the City's General Fund (in 2023/24 dollars) on an annual recurring basis, as detailed in Section 6.

4. FIA Limiting Conditions

The FIA is subject to the following limiting conditions:

- The FIA contains an analysis of recurring revenues and costs to the City from development of the Project. The FIA is based on estimates, assumptions, and other information developed from DPFG's research and experience.

- The sources of information and basis of the estimates are stated herein. While we believe the sources of information are reliable, DPFG does not express an opinion or any other form of assurance on the accuracy of such information.

- The analysis of recurring revenues and cost impacts to the City contained in the FIA is not considered to be a "financial forecast" or a "financial projection" as technically defined by the American Institute of Certified Public Accountants. The word "projection" used within this report relates to broad expectations of future events or market conditions.

- Since the analyses contained herein are based on estimates and assumptions which are inherently subject to uncertainty and variation depending on evolving events, DPFG cannot represent that results will definitely be achieved. Some assumptions inevitably will not materialize and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary from the projections.

5. General Sources of Information and Methodology Used in FIA

The FIA was prepared to estimate the allocable revenue and cost impacts to the City's general fund ("General Fund") as a result of the Project's development. The FIA uses a combination of case study methods and multiplier methods to estimate Project impacts.

When projecting fiscal impacts using a multiplier method, the FIA determines per capita/employee impacts by applying the appropriate multiplier to the Project's land use assumptions. The Per Capita-and-Employee-Multiplier Method involves dividing a cost or revenue figure by the number of residents and 50% of all employees working in the City, and then multiplying that number by the number of residents projected for the Project at buildout. This method assumes that recurring costs and revenues will result from the Project at the same rates that currently prevail within the City, with each employee counted as one-half of a resident to reflect the relative significance of employees (i.e. non-residential land uses) in generating City public services costs or City revenues. This multiplier method is a widely accepted standard of estimating per capita and employee impacts. The multipliers were calculated using data from the City and the U.S. census. Where appropriate, City Budget data is adjusted to account for expected marginal increases when the nature of the cost or revenue item contains a fixed component that is not anticipated to change based on population growth from the Project. All cost and revenue factors are projected in 2023/24 dollars, and are not adjusted for inflation, based on the assumption that the relative impacts of inflation in future years will be offsetting.

Information used in preparing the FIA was obtained from the following primary sources: (1) City of Banning Recommended Budget FY 2022-23 and 2023-24; (2) NP Banning Industrial, LLC ("Developer"); (3) California Employment Development Department (employment information); (4) County of Riverside Auditor-Controller's Office (Fiscal Year 2023-2024 share of the basic tax information and assessments); (5) U.S. Census Bureau (population data); (6) U.S. Bureau of Labor Statistics (household expenditure data and persons per household); (7) Landvision; (8) Urban Land Institute's Dollars & Cents of Shopping Centers; and (9) CBRE Research (Market Data).

The FIA Appendix B is organized as follows:

Appendix	Table	Description
B	1	Fiscal Impact Analysis Summary
B	2	Population and Employment Data
B	3	Estimated Commercial Uses Property Value Using Income Method
B	4	Land Use and Assessed Value Assumptions
B	5	Post-ERAF Share of the Basic Tax Calculation
B	6	On-Site Sales Tax Revenue
B	7	Property Taxes In Lieu of Vehicle License Fee ("VLF")
B	8	Transient Occupancy Taxes
B	9	Other Recurring Revenues
B	10	Recurring Expenditures
B	11	Permanent Employment

The following table shows the key demographic assumptions used in the FIA:

	City	Project
Population	31,250 (a)	-
Employees	10,700 (b)	4,261
Residents + 50% Employees	36,600 (c)	2,131 (c)

Footnotes:

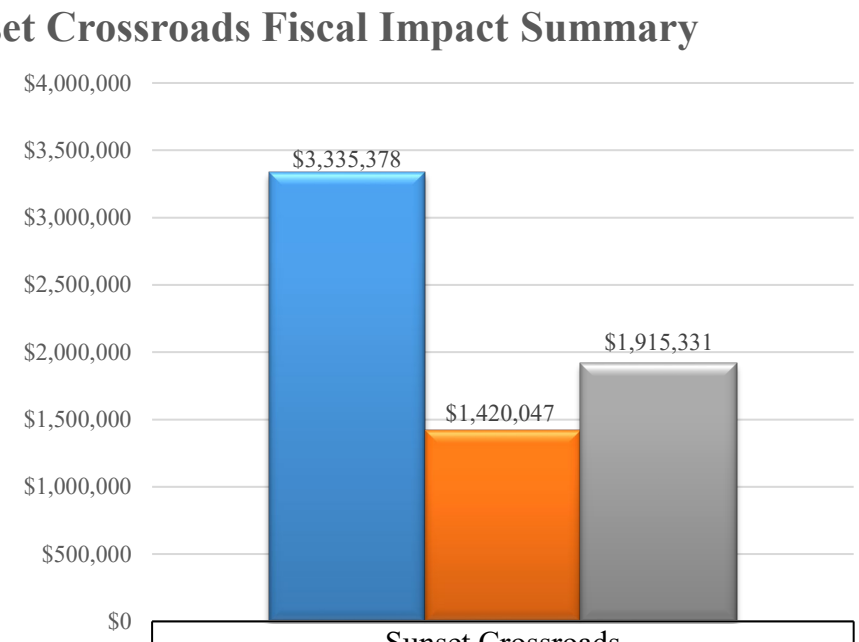
(a) Per the E-5 City / County Population and Housing Estimates report published by the California Department of Finance dated 1/1/2023.

(b) Per State of California, Employment Development Department November 2023 estimate.

(c) The Per Capita-and-Employee Multiplier Method represents the total service population for the City and Project respectively, as each employee is counted as one-half of a resident to reflect their relative impact in generating City public service costs or City revenues. This multiplier method is a widely accepted standard of estimating per capita and employee impacts.

6. FIA Summary and Conclusions

The FIA examines the financial impact the Project will have at buildout on the General Fund. The Project will generate additional revenue for the General Fund primarily through increased property taxes, property taxes in-lieu of vehicle license fees, and sales taxes. The additional costs incurred to the General Fund as a result of the Project are less than the additional revenues generated and consist primarily of police and fire services. The Project's direct impact to the General Fund at buildout is summarized in the chart below:



	Sunset Crossroads
Total Recurring Revenues	$3,335,378
Total Recurring Expenditures	$1,420,047
Net Fiscal Surplus (Deficit)	$1,915,331

As seen in the chart, the Project is anticipated to generate a **$1,915,331** surplus to the City on an annual basis once the Project is fully developed.

OVERALL ANNUAL RECURRING SUMMARY

Fiscal Impact Annual Summary			
Annual Recurring Revenues:			
Property Tax	$	831,238	Table 5
Sales Tax		269,363	Table 6
Property Tax in-lieu of Vehicle License Fees		1,427,643	Table 7
Transient Occupancy Tax		451,688	Table 8
Other Revenues		355,447	Table 9
Total Recurring Revenue	**$**	**3,335,378**	
Annual Recurring Expenditures:			
City Council	$	3,540	Table 10
City Manager		16,399	Table 10
Economic Development		8,744	Table 10
Human Resources		14,226	Table 10
City Clerk		4,970	Table 10
Elections		102	Table 10
City Attorney		8,579	Table 10
Fiscal Services		43,628	Table 10
Purchasing		13,831	Table 10
TV Government Access		4,317	Table 10
Police		593,281	Table 10
Dispatch		63,954	Table 10
Animal Control		17,014	Table 10
Fire		216,441	Table 10
Building and Safety		53,225	Table 10
Code Enforcement		27,938	Table 10
Planning		62,688	Table 10
Engineering		62,647	Table 10
Building Maintenance		33,437	Table 10
Parks		48,886	Table 10
Recreation		49,240	Table 10
Aquatics		14,565	Table 10
Day Care		4,059	Table 10
Senior Center		3,686	Table 10
Central Services		44,660	Table 10
Community Enhancement		5,990	Table 10
Total Recurring Expenditures	**$**	**1,420,047**	
Net Annual Fiscal Surplus (Deficit)	**$**	**1,915,331**	

7. FIA Recurring Revenues

7.1 Property Tax

In addition to other ad valorem charges imposed by various local agencies, land owners in the State of California ("State") are required to pay annual property taxes of 1% on the assessed value of their property pursuant to Proposition 13. Each City in California is divided into tax rate areas ("TRA"). After the basic 1% property tax is collected by the County, the tax is allocated to various local agencies based on each agency's share of the basic tax within the property's applicable TRA.

The Project is currently split between the City and the Unincorporated area of the County. The TRA's located within the City are TRA 001-006 and 001-022. Per the Riverside County Auditor-Controller the City is entitled to 9.1330% of the base 1.00% ad-valorem property tax. The Unincorporated County TRA is 055-008 and per the Riverside County Auditor-Controller the County receives 13.6533% of the property tax total. Of the 13.6533%, it is projected based on a tax sharing agreement that the City will receive 25% of the property tax generated after annexation. The breakdown of lots and estimated assessed value by TRA is detailed in Appendix B, Table 5. In total, the Project is anticipated to generate **$831,238** per year in property taxes.

7.2 Sales Tax

Under the California Sales and Use Tax Law, the sale of tangible personal property is subject to sales or use tax unless exempt or otherwise excluded. When the sales tax applies, the use tax does not apply and the opposite is also true. The sales tax is imposed on all retailers for the privilege of selling tangible personal property in the State and is measured by the retailer's gross receipts.

Currently, there is a 7.25% statewide sales and use tax base rate that is collected by the State Board of Equalization. The State government receives 6.00% of the 7.25% and local governments receive the remaining 1.25%. This 1.25% is allocated between the County and the City with the County receiving 0.25% and the remaining 1.00% is transferred to the local government's general fund per the Revenue and Taxation Code Sections 7202 and 7203.

The City will receive sales tax from the businesses operating within the commercial development within the Project. The FIA estimates on-site sales tax using an approximate taxable sale per square foot resulting in the City receiving **$269,363** in annual sales tax per Appendix B, Table 6.

7.3 Property Tax In-Lieu of Vehicle License Fees ("VLF")

In May 2004, Governor Schwarzenegger proposed a swap of City and City VLF revenue for additional property tax share as part of a budget agreement between the State and local governments. The swap was included in the 2004 budget package. Under this legislation, property tax in-lieu of VLF is allocated to Cities and Counties pursuant to a complex formula involving each agency relative share of assessed value. For new development which is projected to occur after annexation, VLF will be accrued by the City. The property

tax in-lieu of VLF revenue that will be generated by the Project can be estimated by determining the (i) percentage growth in the total assessed value of the City attributable to the Project, and multiplying by (ii) the property tax in-lieu of VLF revenue of $3,208,781 expected to be received by the City in fiscal year 2023/24 per the Recommended 2023/24 Budget. Based on these calculations, the Project is anticipated to generate **$1,427,643** annually in property tax in-lieu of VLF revenue per Appendix B, Table 7.

Annual City Property Taxes In Lieu of VLF			
FY 2023/24 In Lieu VLF Allocation to City	$	3,340,983	(a)
FY 2023/24 City Assessed Value		3,478,202,536	(b)
Total Project Assessed Value		1,499,418,200	(c)
Less: Existing Assessed Value (FY 2023/24)		(13,139,708)	(d)
Net (New) Assessed Value	$	1,486,278,492	
AV Growth from Project		42.731%	
Annual City Property Taxes In Lieu of VLF	$	1,427,643	

Footnotes:
(a) Per City of Banning FY 2022-23 and 2023-24 two year budget.
(b) Per County of Riverside Assessor's Office 2023/2024 Assessment Roll published 7/10/2023.
(c) Per Table 3.
(d) Per FY 2023/24 property tax bills for subject property.
(e) For new development that is projected to occur after annexation, property tax in lieu of MVLF accrues to the City and is projected based on the Citywide average change in assessed valuation per Temescal Canyon Annexation FIA.

7.4 Transient Occupancy Tax ("TOT")

The transient occupancy tax (hotel, motel, campground or bed tax) is authorized under State Revenue and Taxation Code Section 7280, as an additional source of non-property tax revenue to local government. Per City of Banning Measures L and E, the City levies a transient occupancy tax at a rate of 12.00% of hotel or other lodging stays of less than 30 days. The Project is proposed to include a 125-room hotel. Based on information provided by the developer and market comparisons for similar hotels in the area, we've estimated the average daily rate to be $100 per hotel room. Based on the forgoing, we have projected transient occupancy tax assuming a 60% occupancy rate and an average nightly room rate of $100. Accordingly, the FIA projects annual transient occupancy tax revenue of **$451,688**, as calculated in Appendix B, Table 8.

7.5 Other Revenues

The City receives various other revenues analyzed under the FIA. These include (i) Franchise Fees, (ii) Fines and Forfeitures, (iii) Licenses and Permits, and (iv) Charges for Services, among other recurring revenues. These revenues have been estimated using the appropriate multiplier against the City budgeted revenues for each respective revenue

category. Accordingly, total annual "other" revenues are anticipated to be **$355,447** at build-out per Appendix B, Table 9.

8. FIA Recurring Costs

8.1 General Government

General Government services cost includes City Council, City Manager, Economic Development, Human Resources, City Clerk, Elections, City Attorney, and TV Government Access. The FIA assumes an estimated 50% marginal increase for these costs as they do not have a 1:1 relationship with population growth (i.e., majority of costs are fixed, not variable). Accordingly, using a Per Capita & 50% Employee Multiplier general government costs are anticipated to be **$60,877** at buildout as shown Appendix B, Table 10.

8.2 Finance

The Finance cost category includes services related to the collection and investment of City monies, accounting, budgeting, and financial reporting. Using a Per Capita & 50% Employee Multiplier, total Finance costs are anticipated to be **$57,459** at buildout as shown in Appendix B, Table 10.

8.3 Law Enforcement

The Sheriff department will be responsible for providing police protection services to the Project. To estimate the Project's impact on police service costs, the FIA uses a Per Capita & 50% Employee Multiplier of $268.05 for Police and $29.85 for Dispatch based on the City's police service budget. Based on this multiplier, total annual police service costs for the Project are estimated to be **$657,235** at buildout as shown Appendix B, Table 10.

8.4 Animal Control

The Animal Control cost category includes services related to the shelter and care for animals. Using a Per Capita & 50% Employee Multiplier, total Animal Control costs are anticipated to be **$17,014** at buildout as shown in Appendix B, Table 10.

8.5 Fire and Life Safety

It is anticipated that the current station's service area will be capable of serving the Project. To estimate the Project's impact on fire service costs the FIA uses a Per Capita & 50% Employee Multiplier of $97.86 for Fire and $25.20 for Building Safety. Based on this multiplier, total annual fire service costs are estimated to be **$269,266** at buildout as shown in Appendix B, Table 10.

8.6 Development Services

The Development Services cost category includes services related to Code Enforcement, Planning, Engineering, Building Maintenance, Parks and Recreation. Using a Per Capita & 50% Employee Multiplier, total Development Services costs are anticipated to be **$284,836** as shown in Appendix B, Table 10.

8.7 Community Services

The Community Services cost category includes services related to Aquatics, Day Care, Senior Center, Central Services, and Community Enhancement. Using a Per Capita Multiplier, total Community Services costs are anticipated to be **$72,960** at buildout as shown in Appendix B, Table 10.

9. Glossary of Defined Terms and Acronyms

Budget	City of Banning Recommended Budget FY 2022/23 and 20232/24
City	City of Banning
Developer	NP Banning Industrial, LLC
DPFG	DPFG, LLC
FIA	Fiscal Impact Analysis
General Fund	City of Banning General Fund
Project	Sunset Crossroads
State	State of California
TRA	Tax Rate Area
VLF	Vehicle License Fees
DIF	Development Impact Fee

Appendix A

SUNSET CROSSROADS (BANNING, CA)

CONCEPT SITE PLAN A7

2023.12.11
SCALE 1:300

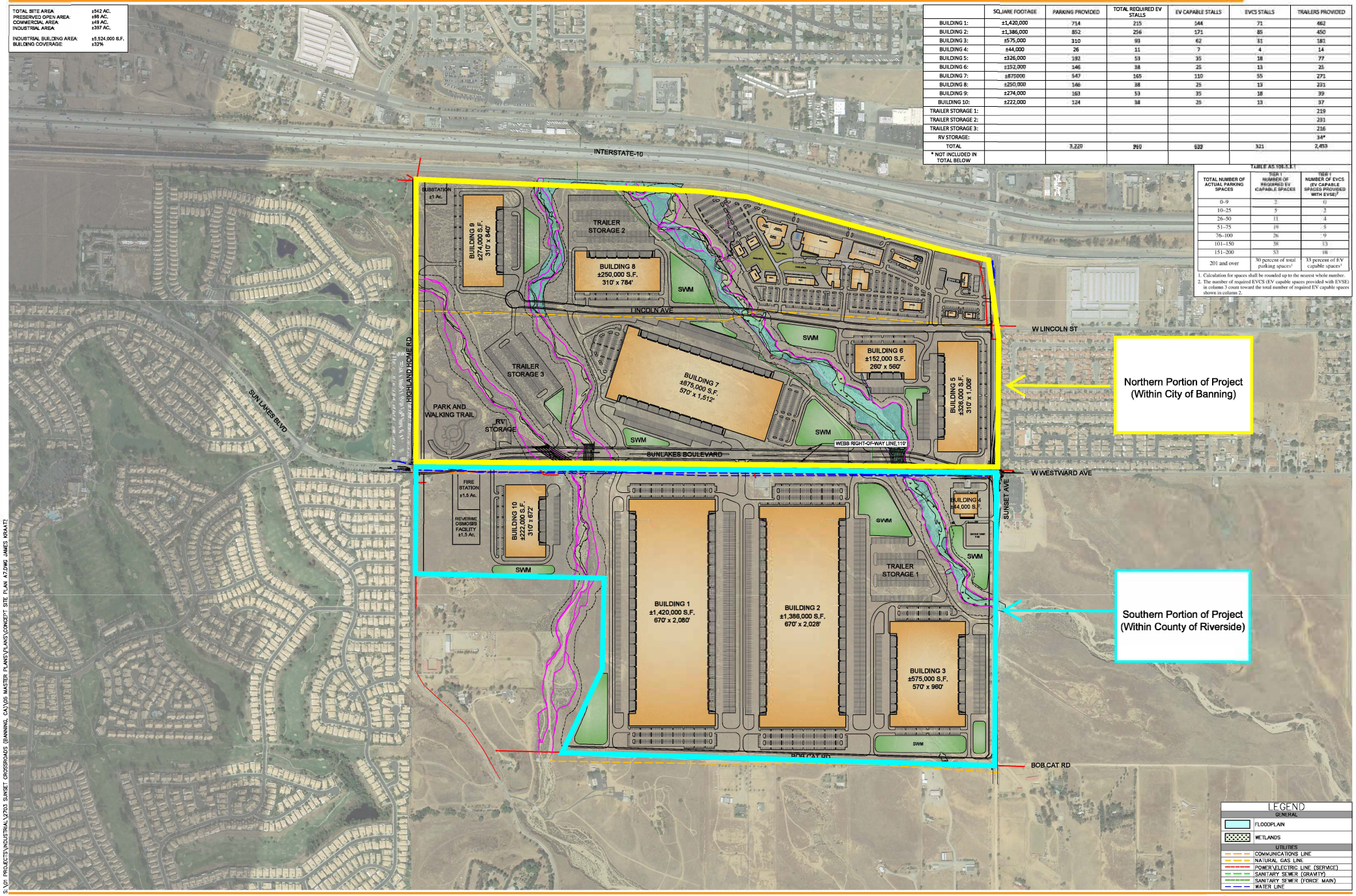
TOTAL SITE AREA:	±542 AC.
PRESERVED OPEN AREA:	±98 AC.
COMMERCIAL AREA:	±49 AC.
INDUSTRIAL AREA:	±397 AC.
INDUSTRIAL BUILDING AREA:	±5,524,000 S.F.
BUILDING COVERAGE:	±32%

	SQ.JARE FOOTAGE	PARKING PROVIDED	TOTAL REQUIRED EV STALLS	EV CAPABLE STALLS	EVCS STALLS	TRAILERS PROVIDED
BUILDING 1:	±1,420,000	714	215	144	71	462
BUILDING 2:	±1,386,000	852	256	171	85	450
BUILDING 3:	±575,000	310	93	62	31	181
BUILDING 4:	±44,000	26	11	7	4	14
BUILDING 5:	±326,000	192	53	35	18	77
BUILDING 6:	±152,000	146	38	25	13	25
BUILDING 7:	±875000	547	165	110	55	271
BUILDING 8:	±250,000	146	38	25	13	231
BUILDING 9:	±274,000	163	53	35	18	39
BUILDING 10:	±222,000	124	38	25	13	37
TRAILER STORAGE 1:						219
TRAILER STORAGE 2:						231
TRAILER STORAGE 3:						216
RV STORAGE:						34*
TOTAL		3,220	960	639	321	2,453
* NOT INCLUDED IN TOTAL BELOW						

TABLE A5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 1 NUMBER OF REQUIRED EV CAPABLE SPACES	TIER 1 NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)[2]
0–9	2	0
10–25	5	2
26–50	11	4
51–75	19	5
76–100	26	9
101–150	38	13
151–200	53	18
201 and over	30 percent of total parking spaces[1]	33 percent of EV capable spaces[1]

1. Calculation for spaces shall be rounded up to the nearest whole number.
2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.



S:\01 PROJECTS\INDUSTRIAL\2703 SUNSET CROSSROADS (BANNING, CA)\05 MASTER PLANS\PLANS\CONCEPT SITE PLAN A7.DWG JAMES KRAATZ

NorthPoint DEVELOPMENT

Appendix B

Table 1
Sunset Crossroads
Fiscal Impact Analysis Summary

Fiscal Impact Annual Summary			
Annual Recurring Revenues:			
Property Tax	$	831,238	Table 5
Sales Tax		269,363	Table 6
Property Tax in-lieu of Vehicle License Fees		1,427,643	Table 7
Transient Occupancy Tax		451,688	Table 8
Other Revenues		355,447	Table 9
Total Recurring Revenue	**$**	**3,335,378**	
Annual Recurring Expenditures:			
City Council	$	3,540	Table 10
City Manager		16,399	Table 10
Economic Development		8,744	Table 10
Human Resources		14,226	Table 10
City Clerk		4,970	Table 10
Elections		102	Table 10
City Attorney		8,579	Table 10
Fiscal Services		43,628	Table 10
Purchasing		13,831	Table 10
TV Government Access		4,317	Table 10
Police		593,281	Table 10
Dispatch		63,954	Table 10
Animal Control		17,014	Table 10
Fire		216,441	Table 10
Building and Safety		53,225	Table 10
Code Enforcement		27,938	Table 10
Planning		62,688	Table 10
Engineering		62,647	Table 10
Building Maintenance		33,437	Table 10
Parks		48,886	Table 10
Recreation		49,240	Table 10
Aquatics		14,565	Table 10
Day Care		4,059	Table 10
Senior Center		3,686	Table 10
Central Services		44,660	Table 10
Community Enhancement		5,990	Table 10
Total Recurring Expenditures	**$**	**1,420,047**	
Net Annual Fiscal Surplus (Deficit)	**$**	**1,915,331**	

Table 2
Sunset Crossroads
Population and Employment Data

	City	Project
Population	31,250 (a)	-
Employees	10,700 (b)	4,261
Residents + 50% Employees	36,600 (c)	2,131 (c)

Footnotes:

(a) Per the E-5 City / County Population and Housing Estimates report published by the California Department of Finance dated 1/1/2023.

(b) Per State of California, Employment Development Department November 2023 estimate.

(c) The Per Capita-and-Employee Multiplier Method represents the total service population for the City and Project respectively, as each employee is counted as one-half of a resident to reflect their relative impact in generating City public service costs or City revenues. This multiplier method is a widely accepted standard of estimating per capita and employee impacts.

Table 3
Sunset Crossroads
Estimated Commercial Uses Property Value Using Income Method

		Industrial	Commercial	Office
Gross Square Feet		5,545,000	249,400	9,500
Less: Non-leasable Space @ 10%	(a)	-	-	(950)
Leasable Square Feet		5,545,000	249,400	8,550
REVENUE				
Average Monthly NNN Rental Rate per s.f.	(b)	$ 1.49	$ 1.97	$ 2.03
Total Scheduled Annual NNN Rents		$ 99,144,600	$ 5,895,816	$ 208,278
EXPENSES				
Vacancy (%)	(b)	5.20%	5.90%	8.80%
Vacancy ($)		$ 5,155,519	$ 347,853	$ 18,328
Unreimbursed Expenses (vacant space)	(c)	18,797,816	2,052,746	37,990
Total Expenses		$ 23,953,335	$ 2,400,599	$ 56,318
NET OPERATING INCOME		$ 75,191,265	$ 3,495,217	$ 151,960
CAP RATE	(d)	5.25%	6.75%	7.75%
TOTAL VALUE		**$ 1,432,214,565**	**$ 51,780,987**	**$ 1,960,769**
VALUE PER GROSS SQUARE FOOT		**258.29**	**207.62**	**206.40**
VALUE PER GROSS SQUARE FOOT (ROUNDED)		**258.00**	**208.00**	**206.00**

		Hotel
No. of Rooms		125
Average Daily Rate		$ 100
Occupancy		60%
Annual Room Revenue		$ 2,737,500
Other Revenues (5% of Room Rev.)		136,875
Total Revenue		$ 2,874,375
Operating Expenses as % of Revenue		65%
Total Operating Expenses		1,868,344
Net Operating Income		$ 1,006,031
Cap Rate	(c)	7.75%
TOTAL VALUE		**$ 12,981,048**
VALUE PER ROOM		**103,848**
VALUE PER ROOM (ROUNDED)		**104,000**

Footnotes:

(a) Analysis estimates office site is comprised of approximately 10% common area.

(b) Commercial per CBRE MarketView Inland Empire Retail, Q3 2023 Report. Industrial per CBRE Inland Empire Industrial, Q4 2023 Report. Office per the CBRE Inland Empire Office, Q4 2023 Marketview report.

(c) Operating Expenses for Warehouse and Office estimated at 20.0% of revenue based on California Department of Transportation. Assumes operating expenses at 37% of rental revenue; based on U.S. Super Community/Community Shopper Center operating cost data per Dollars & Cents of Shopping Center (2008) published by ULI for Commercial and Retail.

(d) Commercial Retail cap rate per CBRE North America Cap Rate Survey First Half 2023 for Stabilized Retail property in the Inland Empire. Industrial cap rate per CBRE North America Cap Rate Survey First Half 2023 for Class A Stabilized Industrial property in Southern California. Office cap rate per the CBRE North America Cap Rate Survey First Half 2023 for Class A Stabilized Suburban Office property in the Inland Empire. Hotel cap rate per CBRE North America Cap Rate Survey First Half 2023 for hotels in the Los Angeles Market, not in a city center or luxury destination.

Table 4
Sunset Crossroads
Land Use and Assessed Value Assumptions

Industrial			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Building 1	1,420,000	$ 258	$ 366,360,000
Building 2	1,386,000	258	357,588,000
Building 3	575,000	258	148,350,000
Building 4	44,000	258	11,352,000
Building 5	326,000	258	84,108,000
Building 6	152,000	258	39,216,000
Building 7	896,000	258	231,168,000
Building 8	250,000	258	64,500,000
Building 9	274,000	258	70,692,000
Building 10	222,000	258	57,276,000
Subtotal Industrial	**5,545,000**	**$ 258**	**$ 1,430,610,000**

Retail			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Restaurant	56,500	$ 208	$ 11,752,000
Gym	54,000	208	11,232,000
Go-Kart	40,700	208	8,465,600
Sports Complex	88,200	208	18,345,600
Retail	19,500	208	4,056,000
Subtotal Commercial Retail	**258,900**	**$ 208**	**$ 53,851,200**

Office / Medical Office			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Office / Medical Office	9,500	206	1,957,000
Subtotal Office / Medical Office	**9,500**	**$ 206**	**$ 1,957,000**

Hotel 125 Keys			
Probable Tenant Type	**Number of Rooms**	**Estimated Assessed Value per Room (a)**	**Total Assessed Value**
Hotel	125	$ 104,000	$ 13,000,000
Subtotal Hotel	**125**	**$ 104,000**	**$ 13,000,000**

Total Project Assessed Value	$ 1,499,418,200

Footnotes:
(a) Commercial estimated value per square foot per Table 3.

Table 5
Sunset Crossroads
Post-ERAF Share of the Basic Tax Calculation

Within City of Banning - Agency	TRA (a) 001-006	TRA (a) 001-022	Wtd. Avg. of TRAs (b)
General Purpose	0.0000000%	0.0000000%	0.0000%
General	10.3949007%	10.3949007%	10.3949%
City of Banning	**9.1329641%**	**9.1329641%**	**9.1330%**
RDV Banning DW / Mid 03ANX AB 1290	0.0000000%	0.0000000%	0.0000%
Banning Unified School	38.0374080%	38.0374080%	38.0374%
Mt San Jacinto Jr College	3.8474370%	3.8474370%	3.8474%
Riverside Co Office of Education	3.9716040%	3.9716040%	3.9716%
Flood Control Admin	0.2279164%	0.2279164%	0.2279%
Flood Control Zone 5	4.7564996%	4.7564996%	4.7565%
CSA 152	0.0000000%	0.0000000%	0.0000%
Summit Cemetery District	1.8195520%	1.8195520%	1.8196%
San Gorgonio Pass Memorial Hospital	1.9601130%	1.9601130%	1.9601%
Banning Library District	4.3229931%	4.3229931%	4.3230%
San Gorgonio Pass Water Agency District	3.4427847%	3.4427847%	3.4428%
Inland Empire Jt (33,36) Res	0.0000000%	0.0000000%	0.0000%
ERAF Rdv	0.0000000%	0.0000000%	0.0000%
Eraf Fund	18.0858274%	18.0858274%	18.0858%
Total	100.000000%	100.000000%	100.0000%
Project Acres (c)	157	121	277.95
% of Total	56.48%	43.52%	100.00%
Total City General Fund			**9.1330%**
Total Assessed Value			**$ 558,492,200**
Base 1% Ad-Valorem Tax			**1.00%**
Base Commercial Ad-Valorem Revenue			**$ 5,584,922**
City of Banning Allocation			**$ 510,069**

Within Unincorporated County - Agency	TRA (a) 055-008
General Purpose	0.00000000%
General	**13.65333663%**
Co Structure Fire Protection	5.69552712%
Banning Unified School	38.03740800%
Mt San Jacinto Jr College	3.84743700%
Riverside Co OFC of Education	3.97160400%
Co Waste Resource Management District	0.00000000%
Riverside Co Regional Park and Open Space	0.33700907%
Flood Control Admin	0.22791635%
Flood Control Zone 5	4.75649962%
CSA 152	0.00000000%
Summit Cemetery District	1.81955201%
San Gorgonio Pass Memorial Hospital	1.96011300%
Banning Library District	4.32299313%
San Gorgonio Pass Water Agency	3.44278472%
Inland Empire JT (33, 36) Res	0.00000000%
ERAF Fund	17.92781935%
	100.0000%
	241
	100.00%
Total Unincorporated County General Fund	**13.6533%**
Total Assessed Value	**$ 940,926,000**
Base 1% Ad-Valorem Tax	**1.00%**
Commercial Ad-Valorem Revenue Before Annexation	**$ 9,409,260**
City of Banning Annexation Allocation	**25.00%**
City of Banning Base Ad-Valorem Revenue	**$ 2,352,315**
City of Banning Allocation from Annexed Parcels	**$ 321,169**
Total City of Banning Property Tax Allocation	**$ 831,238**

Footnotes:

Source: Fiscal Year 2023-24 Share of the Basic Tax per Riverside County Auditor-Controller's Office, Property Tax Division.

(a) Shares of the basic tax that are received by the City and County for each TRA are highlighted in bold print.

(b) The weighted average of TRAs was calculated by the distribution of acreage among the TRAs within the Project.

(c) TRA and acreage data per LandVision, 1/11/2023.

Table 6
Sunset Crossroads
On-Site Sales Tax Revenue

Probable Tenant Type (a)	Bldg. SF	Estimated Sales per SqFt (b)	Total Estimated Taxable Sales
Commercial			
Restaurant	56,500	350	$ 19,775,000
Gym (c)	2,700	250	675,000
Go-Kart (c)	2,035	250	508,750
Sports Complex (c)	4,410	250	1,102,500
Retail	19,500	250	4,875,000
Total	**85,145**		**$ 26,936,250**
Annual Sales Tax to City		**1.00%**	**$ 269,363**

Footnotes:
(a) Estimated tenant types per 10/21/2020 - Sunset Crossroads - Concept Site Plan, Uses and Activities.
(b) Preliminary DPFG estimates based on industry knowledge and review of various data sources in addition to Dollars & Cents of Shopping Centers (2008) by Urban Land Institute.
(c) Analysis assumes that 5.00% of building square footage will be reserved for a sales tax generating use.

Table 7
Sunset Crossroads
Property Taxes In Lieu of Vehicle License Fee ("VLF")

Annual City Property Taxes In Lieu of VLF			
FY 2023/24 In Lieu VLF Allocation to City	$	3,340,983	(a)
FY 2023/24 City Assessed Value		3,478,202,536	(b)
Total Project Assessed Value		1,499,418,200	(c)
Less: Existing Assessed Value (FY 2023/24)		(13,139,708)	(d)
Net (New) Assessed Value	$	1,486,278,492	
AV Growth from Project		42.731%	
Annual City Property Taxes In Lieu of VLF	$	1,427,643	

Footnotes:
(a) Per City of Banning FY 2022-23 and 2023-24 two year budget.
(b) Per County of Riverside Assessor's Office 2023/2024 Assessment Roll published 7/10/2023.
(c) Per Table 3.
(d) Per FY 2023/24 property tax bills for subject property.
(e) For new development that is projected to occur after annexation, property tax in lieu of MVLF accrues to the City and is projected based on the Citywide average change in assessed valuation per Temescal Canyon Annexation FIA.

Table 8
Sunset Crossroads
Transient Occupancy Taxes

Proposed Hotel			
No. of Rooms		125	
Average Daily Rate (ADR)		$ 110	(a)
Occupancy Rate (%)		75.0%	(a)
Total Annual Room Revenues		3,764,063	
Annual County Transient Occupancy Tax	**12.00%** (b)	**$ 451,688**	

Footnotes:

(a) Estimate per DPFG ADR rate research regarding hotels located within Project area dated 1/26/2024.

(b) Transient occupancy tax rate per City of Banning Measure L. Measure L was then extended per Measure E which was passed by voters in 2014.

Table 9
Sunset Crossroads
Other Recurring Revenues

Revenue Category	City FY 2023/2024 Budget (a)	Marginal Increase	Adjusted Budget	Multiplier	Factor	Project Equivalent Persons	Project Revenues
Property Taxes	$ 3,625,474	100%	$ 3,625,474	Case Study - Table 5	N/A	-	$ -
Property Taxes In-Lieu of VLF	3,340,983	100%	3,340,983	Case Study - Table 8	N/A	-	-
Sales and Use Tax	5,980,550	100%	5,980,550	Case Study - Table 9	N/A	-	-
Franchise Tax	607,777	100%	607,777	Per Capita & 50% Employee	16.61	2,131	35,381
Transient Occupancy Tax	1,265,681	100%	1,265,681	Case Study - Table 7	N/A	-	-
Other Taxes	655,033	100%	655,033	Per Capita & 50% Employee	17.90	2,131	38,132
Business License	181,060	100%	181,060	Per Capita & 50% Employee	4.95	2,131	10,540
Internal Service Revenues	2,578,093	0%	-	Per Capita & 50% Employee	0.00	2,131	-
Interfund Transfers	651,000	0%	-	Per Capita & 50% Employee	0.00	2,131	-
Licenses and Permits	2,646,240	100%	2,646,240	Per Capita & 50% Employee	72.30	2,131	154,049
Charges for Services	1,381,458	100%	1,381,458	Per Capita & 50% Employee	37.74	2,131	80,421
Miscellaneous Income	574,988	50%	287,494	Per Capita & 50% Employee	7.86	2,131	16,736
Fines and Forfeitures	193,389	100%	193,389	Per Capita & 50% Employee	5.28	2,131	11,258
Other Intergovernmental Revenues	153,375	100%	153,375	Per Capita & 50% Employee	4.19	2,131	8,929
State Motor Vehicle In-Lieu Fees	15,016	0%	-	Per Capita & 50% Employee	0.00	2,131	-
Use of Money and Property	98,849	0%	-	Per Capita & 50% Employee	0.00	2,131	-
Contributions	7,900	0%	-	Per Capita & 50% Employee	0.00	2,131	-
Total	$ 23,956,866		$ 20,318,514				$ 355,447

Footnotes:
(a) Per City of Banning FY 22-23 and 23-24 Two Year Budget Report dated June 14, 2022- Revenues provided by the City's Department of Administrative Services.

Table 10
Sunset Crossroads
Recurring Expenditures

Expenditure Category	City FY 2023/2024 Preliminary Operating Budget (a)	Marginal Increase	Adjusted Budget	Multiplier	Factor	Project Equivalent Persons	Project Cost
City Council	$ 121,621	50%	$ 60,811	Per Capita & 50% Employee	1.66	2,131	$ 3,540
City Manager	563,404	50%	281,702	Per Capita & 50% Employee	7.70	2,131	16,399
Economic Development	300,412	50%	150,206	Per Capita & 50% Employee	4.10	2,131	8,744
Human Resources	488,742	50%	244,371	Per Capita & 50% Employee	6.68	2,131	14,226
City Clerk	170,733	50%	85,367	Per Capita & 50% Employee	2.33	2,131	4,970
Elections	3,500	50%	1,750	Per Capita & 50% Employee	0.05	2,131	102
City Attorney	294,727	50%	147,364	Per Capita & 50% Employee	4.03	2,131	8,579
TV Government Access	148,324	50%	74,162	Per Capita & 50% Employee	2.03	2,131	4,317
Subtotal - General Government	2,091,463		1,045,732				60,877
Fiscal Services	1,498,872	50%	749,436	Per Capita & 50% Employee	20.48	2,131	43,628
Purchasing	475,182	50%	237,591	Per Capita & 50% Employee	6.49	2,131	13,831
Subtotal - Finance	1,974,054		987,027				57,459
Police	10,191,311	100%	10,191,311	Per Capita & 50% Employee	278.45	2,131	593,281
Dispatch	1,098,588	100%	1,098,588	Per Capita & 50% Employee	30.02	2,131	63,954
Subtotal - Law Enforcement	11,289,899		11,289,899				657,235
Animal Control	292,266	100%	292,266	Per Capita & 50% Employee	7.99	2,131	17,014
Subtotal - Animal Control	292,266		292,266				17,014
Fire	3,717,996	100%	3,717,996	Per Capita & 50% Employee	101.58	2,131	216,441
Building and Safety	914,299	100%	914,299	Per Capita & 50% Employee	24.98	2,131	53,225
Subtotal - Fire and Life Safety	4,632,295		4,632,295				269,666
Code Enforcement	479,909	100%	479,909	Per Capita & 50% Employee	13.11	2,131	27,938
Planning	1,076,847	100%	1,076,847	Per Capita & 50% Employee	29.42	2,131	62,688
Engineering	1,076,137	100%	1,076,137	Per Capita & 50% Employee	29.40	2,131	62,647
Building Maintenance	574,385	100%	574,385	Per Capita & 50% Employee	15.69	2,131	33,437
Parks	839,764	100%	839,764	Per Capita & 50% Employee	22.94	2,131	48,886
Recreation	845,842	100%	845,842	Per Capita & 50% Employee	23.11	2,131	49,240
Subtotal - Development Services	4,892,884		4,892,884				284,836
Aquatics	250,197	100%	250,197	Per Capita & 50% Employee	6.84	2,131	14,565
Day Care	69,723	100%	69,723	Per Capita & 50% Employee	1.91	2,131	4,059
Senior Center	126,627	50%	63,314	Per Capita & 50% Employee	1.73	2,131	3,686
Central Services	767,166	100%	767,166	Per Capita & 50% Employee	20.96	2,131	44,660
Community Enhancement	102,900	100%	102,900	Per Capita & 50% Employee	2.81	2,131	5,990
Subtotal - Community Services	1,316,613		1,253,300				72,960
Total	$ 26,489,474		$ 24,393,402				$ 1,420,047

Footnotes:
(a) Per General Fund Expenditure Summary per City of Banning Fiscal Year 2022-2023 and 2023-2024 two year budget dated June 14th 2022.

Table 11
Sunset Crossroads
Permanent Employment

Industrial			
Tenant Type (a)	**Bldg. SqFt / Acre**	**Estimated SqFt per Employee (b)**	**Estimated Employees**
Building 1	1,420,000	1,500	947
Building 2	1,386,000	1,500	924
Building 3	575,000	1,500	383
Building 4	44,000	1,500	29
Building 5	326,000	1,500	217
Building 6	152,000	1,500	101
Building 7	896,000	1,500	597
Building 8	250,000	1,500	167
Building 9	274,000	1,500	183
Building 10	222,000	1,500	148
Subtotal Industrial	**5,545,000**	**1,500**	**3,697**

Retail			
Tenant Type	**Bldg. SqFt / Acre**	**Estimated SqFt per Employee (b)**	**Estimated Employees**
Restaurant	56,500	500	113
Gym	54,000	1030	52
Go-Kart	40,700	1500	27
Sports Complex	88,200	500	176
Retail	19,500	500	39
Subtotal Commercial Retail	**258,900**	**768**	**408**

Office / Medical Office			
Tenant Type	**Bldg. SqFt / Acre**	**Estimated SqFt per Employee (b)**	**Estimated Employees**
Office / Medical Office	9,500	300	32
Subtotal Office / Medical Office	**9,500**	**300**	**32**

Hotel 125 keys		
Tenant Type	**Number of Rooms**	**Estimated Employees (a)**
Hotel	125	125
Subtotal Hotel	**125**	**125**

Total Employees	**4,261**

Footnotes:

(a) Per Table 4.

(b) Estimated employees per square foot per the United States Green Building Council default occupancy count and review of various data sources. Estimated employees represent full time equivalent ("FTE") employees. Actual employee count, including part-time and seasonal employees, may result in a potentially higher total headcount value depending on tenant mix. Per Table 9 FTE employees are estimated to generate $83.40 in Other Revenues and per Table 10 FTE employees are estimated to generate $333.50 in Expenditures for a net change of $250.10 per FTE employee.

Appendix C

Landstar Companies
Fee Summary
February 15, 2024

Land Use	Building Size	Wastewater Facilities Fee (a)	Water Facilities Fee (b)	Fire Facilities Fee (c)	Police Facilities Fee (d)	Traffic Control Facilities Fee (e)	General Facilities Fee (f)	Banning Unified School District (g)	MSHCP Fee (h)	TUMF (i)
Industrial										
Building 1	1,420,000	1,006,127	1,899,136	335,120	241,400	6,380,869	339,380	1,192,800		
Building 2	1,386,000	982,036	1,853,664	327,096	235,620	6,228,088	331,254	1,164,240		
Building 3	575,000	407,411	769,017	135,700	97,750	2,583,803	137,425	483,000		
Building 4	44,000	31,176	58,846	10,384	7,480	197,717	10,516	36,960		
Building 5	326,000	230,984	435,999	76,936	55,420	1,464,904	77,914	273,840		
Building 6	152,000	107,698	203,288	35,872	25,840	683,023	36,328	127,680		
Building 7	896,000	634,852	1,198,328	211,456	152,320	4,026,239	214,144	752,640		
Building 8	250,000	177,135	334,355	59,000	42,500	1,123,393	59,750	210,000		
Building 9	274,000	194,140	366,453	64,664	46,580	1,231,238	65,486	230,160		
Building 10	222,000	157,296	296,907	52,392	37,740	997,573	53,058	186,480		
Total Industrial	5,545,000	3,928,854	7,415,994	1,308,620	942,650	24,916,846	1,325,255	4,657,800		
Commercial Center										
Restaurant	56,500	105,800	410,206	27,459	19,832	470,024	27,855	47,460		
Gym	54,000	101,119	392,055	26,244	18,954	449,226	26,622	45,360		
Go-Kart	40,700	76,214	295,493	19,780	14,286	338,583	20,065	34,188		
Sports Complex	88,200	165,161	640,357	42,865	30,958	733,736	43,483	74,088		
Retail	19,500	36,515	141,575	9,477	6,845	162,221	9,614	16,380		
Total Retail	258,900	484,808	1,879,686	125,825	90,874	2,153,789	127,638	217,476		
Office / Medical Office										
Office / Medical Office	9,500	6,250	23,596	6,014	4,351	33,421	6,109	7,980		
Total Office	9,500	6,250	23,596	6,014	4,351	33,421	6,109	7,980		
Hotel										
Hotel	60,000	112,354	435,617	29,160	21,060	499,140	29,580	50,400		
Total Hotel	60,000	112,354	435,617	29,160	21,060	499,140	29,580	50,400		
Total Anticipated Payment		4,532,267	9,754,893	1,469,619	1,058,935	27,603,196	1,488,581	4,933,656	9,124,988	11,811,081

DIF, MSCHP, TUMF	66,843,560
BUSD	4,933,656
Total	**71,777,216**

Footnotes:
(a) Analysis assumes anticipated Wastewater Facilities Fee - Industrial fee of 0.709, Commercial fee of 1.873 and Office fee of 0.658 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(b) Analysis assumes anticipated Water Facilities Fee - Industrial fee of 1.337, Commercial fee of 7.260 and Office fee of 2.484 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(c) Analysis assumes anticipated Fire Facilities Fee - Industrial fee of 0.236, Commercial fee of 0.486 and Office fee of 0.633 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(d) Analysis assumes anticipated Police Facilities Fee - Industrial fee of 0.170, Commercial fee of 0.351 and Office fee of 0.458 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(e) Analysis assumes anticipated Traffic Control Facilities Fee - Business Park fee of 4.494, Commercial fee of 8.319 and Office fee of 3.518 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(f) Analysis assumes anticipated General Facilities Fee - Industrial fee of 0.239, Commercial fee of 0.493 and Office fee of 0.643 per SqFt per the City of Banning City DIF Fee Calculator for Sunset Crossroads provided on 1/25/23
(g) Analysis assumes anticipated Banning Unified School District - Commercial fee of 0.840 per SqFt based on the State Allocation Board's newly approved Statutory Level I School Fees. Analysis assumes that Banning Unified School District will prepare and adopt a School Fee Justification Report prior to development.
(h) Analysis assumes anticipated MSHCP Fee - Commercial / Industrial fee of 19,066.00 per Acre as of July 1, 2023. Analysis assumes site is comprised of 478.6 acres net of Open Space - Resources.
(i) Analysis assumes anticipated TUMF Fees of $1.86 for Industrial, $4.89 for Services, and $7.72 for Commercial/Retail. These rates went into effect January 1, 2022.